

EXHIBIT 98-B
Redacted Version of
Document Sought to be Sealed

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC., MDL No. 2843
CONSUMER USER PROFILE Case No.
LITIGATION 18-md-02843-VC-JSC

This document relates to:
ALL ACTIONS

CONFIDENTIAL - PURSUANT TO THE PROTECTIVE ORDER

ZOOM DEPOSITION OF FACEBOOK's 30(b)(6)
CORPORATE REPRESENTATIVE - ISABELLA LEONE
(Reported Remotely via Video & Web Videoconference)
Seattle, Washington (Deponent's location)
Friday, August 5, 2022
Volume 1

STENOGRAPHICALLY REPORTED BY:
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VIDEOTAPED DEPOSITION OF ISABELLA LEONE, taken
on behalf of the Plaintiffs, with the deponent
located in Seattle, Washington, commencing at
8:04 a.m., Friday, August 5, 2022, remotely
reported via Video & Web videoconference before
REBECCA L. ROMANO, a Certified Shorthand Reporter,
Certified Court Reporter, Registered Professional
Reporter.

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John Macdonell, Videographer

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I N D E X

DEPONENT EXAMINATION
ISABELLA LEONE PAGE
VOLUME 1

BY MS. WEAVER 13

E X H I B I T S

NUMBER PAGE

DESCRIPTION

Exhibit 655 I. Leone CA MDL August 5, 15
2022 Deposition Notes,
ADVANCE-META-00003632;

Exhibit 656 Newsroom Article - Understand 145
Why You're Seeing Certain Ads
and How you Can Adjust Your
Ad Experience,
FB-CA-MDL-03969941 -
FB-CA-MDL-03969951;

Exhibit 657 Gibson Dunn Letter dated 155
7/29/2022;

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1	E X H I B I T S (cont'd)		
2	NUMBER		PAGE
3		DESCRIPTION	
4	Exhibit 658	How Does Facebook Use	201
5		Machine Learning to	
6		Delivery Ads? Meta	
7		For Business Article:	
8		Good Questions, Real	
9		Answers: How Does	
10		Facebook Use Machine	
11		Learning to Deliver Ads?,	
12		FB-CA-MDL-03969899 -	
13		FB-CA-MDL-03969907;	
14			
15	Exhibit 659	Email String Subject:	211
16		Facebook Follow-ups for BMS,	
17		FB-CA-MDL-03526129 -	
18		FB-CA-MDL-03526133;	
19			
20	Exhibit 660	Meta Business Help Center Use	251
21		Detailed Targeting,	
22		FB-CA-MDL-03969858 -	
23		FB-CA-MDL-03969862;	
24			
25	/////		

1	E X H I B I T S (cont'd)		
2	NUMBER		PAGE
3		DESCRIPTION	
4	Exhibit 661	Article - AG Ferguson	260
5		investigation leads to	
6		Facebook making nationwide	
7		changes to prohibit	
8		discriminatory advertisements	
9		on its platform;	
10			
11	Exhibit 662	Assurance of Discontinuance;	281
12			
13	Exhibit 663	Email String Subject:	331
14		PMD-related enforcement,	
15		FB-CA-MDL-02140811 -	
16		FB-CA-MDL-02140812.	
17			
18			
19			
20			
21			
22			
23			
24			
25	/////		

1 Seattle, Washington; Friday, August 5, 2022

09:04:04

2 8:04 a.m.

3 ---o0o---

4
5 THE VIDEOGRAPHER: And we're on the

07:48:14

6 record. It's 8:04 a.m. Pacific Time on August 5th,

7 2022. This is the deposition of Isabella Leone.

8 We're here in the matter of Facebook Consumer

9 Privacy User Profile Litigation.

10 I'm John Macdonell, the videographer,

08:04:57

11 with Veritext.

12 Before the reporter swears the witness,

13 would counsel please identify themselves, beginning

14 with the noticing attorney, please.

15 MS. WEAVER: Yes. Good morning.

08:05:08

16 This is Lesley Weaver with

17 Bleichmar Fonti & Auld on behalf of the plaintiffs.

18 And with me today from my firm are Josh Samra and

19 Angelica Ornelas.

20 MR. BENJAMIN: Good morning.

08:05:21

21 I'm Matt Benjamin of

22 Gibson, Dunn & Crutcher on behalf of Meta Facebook

23 and the witness.

24 With me are Martie Kutscher Clark,

25 Naima Farrell, Matt Buongiorno and Phuntso Wangdra,

08:05:28

Page 11

1 also from Gibson Dunn. And Ian Chen from Meta. 08:05:33

2 THE COURT REPORTER: If you could raise
3 your right hand for me, please.

4 THE DEPONENT: (Complies.)

5 THE COURT REPORTER: You do solemnly 08:05:39

6 state, under penalty of perjury, that the testimony
7 you are about to give in this deposition shall be
8 the truth, the whole truth and nothing but the
9 truth?

10 THE DEPONENT: I do. 08:05:39

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15 08:05:40

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19

20 08:05:40

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25 ///// 08:05:55

1 ISABELLA LEONE, 08:05:56
2 having been administered an oath, was examined and
3 testified as follows:

4
5 EXAMINATION 08:05:56
6 BY MS. WEAVER:

7 Q. Good morning, Ms. Leone.

8 A. Good morning.

9 Q. Thanks for joining us today.

10 Have -- have you been deposed before? 08:06:06

11 A. I have not.

12 Q. Okay. Well, good -- good times are ahead
13 for you.

14 So really briefly, I -- I know that
15 you've covered these rules with your counsel, but 08:06:13
16 it's good if we discuss it on the record.

17 As you can see, Ms. Romano here is
18 transcribing what we discuss today. And so because
19 of that transcription process and because we are
20 making a record, it's really important that we not 08:06:30
21 speak over each other and that we answer questions
22 audibly.

23 Does that make sense?

24 A. Absolutely.

25 Q. Okay. If you don't understand a question 08:06:39

1 that I'm asking, please just ask for clarity and
2 I'll rephrase it, because the really important
3 thing is that we're communicating accurately with
4 one another; is that fair?

08:06:43

5	A. Yeah. Absolutely.	08:06:53
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6 Q. Okay. A general rule is that if there is
7 a question pending, you may not take a break, you
8 should answer the question. Unless you're
9 instructed not to answer by your counsel.

10 And -- and the final point is that -- I'm 08:07:12

11 sure you've seen courtroom dramas where the witness

12 is on the stand and the judge is making rulings.

13 In a deposition, that doesn't happen. So your

14 counsel will be inserting objections for the

15 record, but there will be no ruling on them. 08:07:25

16 So you should answer the question, again,
17 unless you are instructed not to answer because we
18 are not graced with the presence of a judge saying
19 overruled or sustained, so...

20	Is that fair?	08:07:39
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21	A. Yup. Understood.
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22 MS. WEAVER: Okay. And before the
23 deposition started, your counsel emailed a document
24 over to us today, which we have marked as
25 Exhibit 1.

1 (Exhibit 655 was marked for 08:07:53
2 identification by the court reporter and is
3 attached hereto.)

4 Q. (By Ms. Weaver) And did you discuss with
5 your counsel how exhibits are marked in these 08:07:56
6 remote kinds of depositions?

7 A. Yes.

8 Q. Okay. So do you have Exhibit Share up?

9 A. Uh-huh. Yes, I have it up.

10 Q. And you can see Exhibit 1? 08:08:07

11 A. Yes.

12 Q. Okay. And what is Exhibit 1?

13 A. It's a document I put together for how I
14 prepared for today.

15 Q. Okay. And when did you prepare it? 08:08:22

16 A. I summarized this yesterday, this
17 document.

18 Q. And were there other underlying notes
19 that you used to prepare this?

20 MR. BENJAMIN: Objection to form. 08:08:37

21 THE DEPONENT: It was a summary document
22 so it collated my calendar to get to the -- the
23 hours that we looked at.

24 I'm -- I'm not sure if that's exactly
25 what you meant. 08:08:50

1 Q. (By Ms. Weaver) No, that's fair. That's 08:08:51
2 fine.
3 Just trying to understand -- you actually
4 yourself created the document; is that right?
5 A. Yes. 08:08:57
6 Q. Okay. And when you -- you wrote
7 "Approximately 36 hours with counsel."
8 Do you see that?
9 A. Yes.
10 Q. Which counsel are you referring to? 08:09:09
11 A. Gibson Dunn. So Matt Benjamin and the
12 broader team.
13 Q. And who else other than Mr. Benjamin?
14 A. Martie Phuntso. Matt -- Matt Buongiorno,
15 the other Matt. Rose Ring and Naima Farrell. 08:09:23
16 Q. Okay. And anyone else?
17 A. I don't believe so from the Gibson Dunn
18 team. And then Ian Chen, our -- my -- the -- the
19 Meta lawyer who's also on the call.
20 Q. Okay. Did you meet with any other 08:09:42
21 lawyers during those 36 hours?
22 A. No.
23 Q. Okay. Did you meet with any lawyers to
24 prepare at all?
25 A. No, not aside from these lawyers. 08:09:53

1 Q. Okay. Sometimes I'm asking you questions 08:09:56
2 and it may seem curious to you. But again, we're
3 laying foundation for a record that I'm just trying
4 to make sure that I'm not missing something.

5 When did you meet with counsel during 08:10:08
6 those 36 hours?

7 A. Those have been divided up over multiple
8 weeks. I think originally, towards the end of May,
9 and then sessions over time that varied between an
10 hour and three to four hours long. And I don't 08:10:23
11 remember the exact number of sessions.

12 Q. And during those sessions, did counsel
13 provide you with documents?

14 A. We discussed the documents for this
15 deposition. And then as well as documents from my 08:10:37
16 prep, whether that was external -- Facebook
17 documents or documents that -- that we worked
18 through about the products or anything relevant.

19 Q. And when you say "the external," what did
20 you mean? 08:10:54

21 A. Sorry. I mean, articles such as like our
22 help center or our news blog posts, areas where
23 we've discussed our targeting and ranking
24 externally. And then as well as our internal
25 references about those products as well. 08:11:08

1 Q. And when you say "internal references," 08:11:10
2 what are you referring to?

3 A. For example -- I'm trying to think of a
4 good example that makes sense.

5 I -- I'm -- I can double-check. I think 08:11:30
6 we used an internal wiki, which is kind of like our
7 version of how we -- how -- how our internal, like
8 way of documenting for teams to reference.

9 And similar if -- if any internal
10 announcements that were relevant. So I -- I 08:11:49
11 believe looking at like an internal announcement
12 that helps us get our sales teams in -- prepared
13 for an external announcement. So that's the --
14 that's an example of -- of an internal document
15 that I looked at. 08:12:04

16 Q. Got it.

17 And for the internal documents, did you
18 provide those to counsel to discuss or did they
19 provide them to you?

20 MR. BENJAMIN: Objection to form. 08:12:14

21 MS. WEAVER: Let me ask differently.

22 Q. (By Ms. Weaver) Did you provide any of
23 those internal documents to prepare for your
24 deposition?

25 MR. BENJAMIN: Objection. Form. 08:12:23

1 THE DEPONENT: I'm -- did I provide them 08:12:26
2 to my counsel or in our conversations, or look at
3 them during those sessions?

4 I'm not totally sure what you mean.

5 Q. (By Ms. Weaver) Did -- did you yourself 08:12:35
6 identify any internal documents that you used to
7 prepare for this deposition?

8 A. Without anyone else? No, I -- I don't
9 think so.

10 Q. Okay. So the materials that you used to 08:12:48
11 prepare were largely, if not exclusively, curated
12 by the attorneys; is that right?

13 MR. BENJAMIN: Objection to form.
14 Misstates.

15 THE DEPONENT: I -- they weren't 08:13:06
16 exclusively from the legal team. They could have
17 been from the groups and the people we also worked
18 on with my prep, our employees that aren't lawyers.

19 Q. (By Ms. Weaver) And did you provide any
20 documents to prepare? 08:13:19

21 MR. BENJAMIN: Objection. Form.

22 THE DEPONENT: I -- I don't believe I
23 did, no.

24 Q. (By Ms. Weaver) And how many documents
25 did the team that you met with provide? 08:13:28

1 give me the information I was looking for. 08:14:31

2 Q. Okay. And what was the information you
3 were looking for?

4 A. I was trying to understand what was an
5 update we made in our targeting tools and it didn't 08:14:39
6 actually describe it particularly in detail. So it
7 was not a very ref- -- helpful reference.

8 Q. Got it.

9 And what year was the update that you
10 were thinking of? 08:14:53

11 A. It was --

12 MR. BENJAMIN: Objection to form.

13 THE DEPONENT: Sorry.

14 MR. BENJAMIN: Sorry, Isabella.

15 Objection. Form. 08:15:02

16 THE DEPONENT: It was 20- -- 2013 or
17 2014.

18 Q. (By Ms. Weaver) And did you find the
19 answer that you were looking for with regard to
20 this update in 2013 and 2014? 08:15:16

21 A. Yes, I did.

22 MR. BENJAMIN: Objection.

23 Q. (By Ms. Weaver) And -- and what was the
24 issue, if you don't mind explaining?

25 A. Yeah, absolutely. 08:15:26

1 We had -- it was actually related to one 08:15:27
2 of the documents you -- you -- that's -- that was
3 part of the deposition, the exhibits. It was
4 related to the -- the removal of our reach
5 estimates. 08:15:40

6 Q. Okay. We'll return to that in a bit
7 because I think what I want to do is try to be a
8 little more methodical and talk about definitions,
9 et cetera.

10 Returning back to Exhibit 1 for just a 08:15:53
11 moment, you said -- you wrote here that you spent
12 eight hours preparing on your own; is that right?

13 A. Yes.

14 Q. What did you do to prepare on your own?

15 A. I largely reread the documents that were 08:16:05
16 submitted, and then read the -- the -- the
17 documents that the legal team had put together as
18 well.

19 Q. Okay. And when you wrote, "documents
20 from Plaintiffs," did you mean the documents that 08:16:18
21 we identified for the deposition?

22 A. (Deponent nods head.)

23 Q. Okay.

24 A. Those as well as just the -- I -- I'm not
25 sure if it make a difference, but the ones 08:16:30

1 specifically I understood like the exhibits for 08:16:32
2 this dep- -- deposition. But then also like the
3 notice as well as the scenario documents.

4 Q. Great. Thank you.

5 And when you wrote "blog posts," what 08:16:41
6 were you referring to there?

7 A. Our external blog posts. So on our
8 Newsroom any -- any announcement we've made that
9 were relevant.

10 Q. And what did you understand the focus of 08:16:54
11 your testimony to be today, as you were preparing?

12 MR. BENJAMIN: Objection to form.

13 And, Bella, to the extent that answering
14 that question would require you to disclose any
15 privileged communications or information, I'd just 08:17:07
16 ask you to carve that out of your answer.

17 But to the extent that you can answer
18 Ms. Weaver's question without disclosing privileged
19 information, you should -- you should do so.

20 THE DEPONENT: I understood -- 08:17:16

21 Q. (By Ms. Weaver) Go ahead.

22 A. I understood it to be about our -- our ad
23 delivery. So targeting and ranking, and the ways
24 that advertisers can place an ad on Meta.

25 Q. Okay. So what do you mean by "ad 08:17:32

1 delivery"? 08:17:50

2 A. So the way our ad system works is that it
3 is based on the choices advertisers make by
4 selecting a desired audience and ad settings to
5 help us understand the setup of their ad. And then 08:18:05
6 there is a secondary step which is about
7 determining from that eligible audience who will
8 actually see that ad. That's something we called
9 ranking.

10 That -- the end to end of this system is 08:18:16
11 called ad delivery. So the starting point of an
12 advertiser creating an ad to the end point of
13 someone seeing that ad.

14 Q. And what is the time frame that you
15 understand you are testifying to today? 08:18:31

16 MR. BENJAMIN: Objection to form.

17 And same caution, to the extent you can
18 answer the question without disclosing privileged
19 information or communications, you should do so.

20 THE DEPONENT: I understood it to be 08:18:48
21 between the last 10 and 15 years. Over the course
22 of the last 10 to 15 years.

23 Q. (By Ms. Weaver) Okay. So 2012 or -- I
24 mean, I'll just -- I'm not -- to be transparent,
25 our class period is 2007 to the present. 08:19:02

1 A. That's what I understood, yes. 08:19:06

2 Q. Okay. Great.

3 So in 2007, was Facebook engaged in ad
4 delivery?

5 A. We did show ads in 2007. 08:19:16

6 Q. And how was it accomplished in 2007, and
7 how did it change over time, generally?

8 MR. BENJAMIN: Objection to form.
9 Compound. Vague.

10 THE DEPONENT: So advertisers have -- we 08:19:27
11 it's always been that an advertiser could set up an
12 ad and give us the creative of what they wanted to
13 run -- or to -- to be for that ad, the content.

14 Over the last 15 years, the system has
15 evolved to both provide additional targeting 08:19:48
16 options to advertisers for their selection, the
17 placement options, the ad ranking, the ad delivery.
18 Our machine learning has evolved. So a lot of the
19 system has changed over time.

20 I think the fundamental pieces of the 08:20:04
21 advertisers' involvement down to a user seeing the
22 ad somewhere on Facebook have been consistent. And
23 then over that same period, we've also updated our
24 transparency tools for users as well as the
25 controls they have for advertising. 08:20:19

1 Q. (By Ms. Weaver) So is it possible for 08:20:24
2 you to just lay out generally a chronology of
3 how -- let's carve out for a moment the
4 transparency tools and just talk about ad delivery
5 and how that changed over time at Facebook 08:20:36
6 beginning in 2007.

7 MR. BENJAMIN: Objection to form. Scope.

8 THE DEPONENT: I don't think that I can
9 lay out a detailed timeline of like specific years
10 of when machine learning was updated. But I can 08:20:51
11 talk through how that product has evolved, if
12 that's useful.

13 Q. (By Ms. Weaver) Great. That would be
14 great.

15 A. So over time you can think of our ad 08:21:01
16 delivery as many models that help us optimize and
17 understand some- -- whether someone would be
18 interested in an ad. The way those models function
19 is that we incorporate people's activity on the
20 site, people's -- oh -- or -- and then across that 08:21:18
21 timeline, also people's activity off of Facebook to
22 help us understand whether they would be interested
23 in an ad.

24 So one of the examples of an update there
25 would be, in 2014, starting to include activity on 08:21:31

1 the website or app to help inform ads. And then 08:21:36
2 there have been smaller iterations about the type
3 of models and how those function in ad delivery
4 over those years.

5 Q. In 2007, how did Facebook record users' 08:21:49
6 activity on and off the platform?

7 MR. BENJAMIN: Objection to form.

8 Q. (By Ms. Weaver) Or generally the --
9 outside of the class period?

10 MR. BENJAMIN: Objection to form. 08:22:03

11 Sorry. Lesley, would you mind restating
12 the question just so it's clear to all of us.

13 Q. (By Ms. Weaver) In 2007, how did
14 Facebook record users' activity on and off the
15 platform? 08:22:13

16 MR. BENJAMIN: Thank you.

17 THE DEPONENT: Outside of our ad system?

18 Q. (By Ms. Weaver) For -- I'm -- using your
19 words, you said that -- well, I'll just say, yes,
20 for use in ads -- in ads advertising, yeah. 08:22:33

21 A. Yeah. So --

22 MR. BENJAMIN: Objection -- objection to
23 form.

24 THE DEPONENT: In -- in 2007, we did not
25 use offsite, so -- or what I call offsite -- but 08:22:47

1 activity off of Facebook to inform ads. That was 08:22:50
2 something that was introduced in 2014.

3 Prior to that, we used activity on
4 Facebook. So that could be information people
5 provide as part of their profile or the 08:23:01
6 interactions they have on Facebook.

7 For example, like camp page interacting
8 with an ad would have informed that. That --
9 that's remained relatively consistent throughout
10 this period. 08:23:14

11 Q. (By Ms. Weaver) And when you say
12 "interacting with an ad," what do you mean?

13 A. That could be an ad click or ad comment.

14 Q. And just to be specific, when you say
15 "click," you mean -- well, what do you mean by 08:23:28
16 "click"?

17 A. When someone is shown an ad, there is a
18 call to action that the advertisers also defines in
19 the setup of their ad. That could be something
20 like learn more. And they would go to a website, 08:23:42
21 it could be something like like page. It could be
22 respond to an event.

23 So any number of those call to actions --
24 usually when I say "click," I mean that the person
25 actually took that action. They clicked on the 08:23:56

1 learn more. 08:23:58

2 Q. And, therefore, it's not linked
3 excessively to example -- for example, a purchase,
4 right?

5 MR. BENJAMIN: Objection. 08:24:06

6 Q. (By Ms. Weaver) It can be anything?

7 MR. BENJAMIN: Objection to form.

8 THE DEPONENT: It is not specifically to
9 mean a purchase.

10 Q. (By Ms. Weaver) And when you said that 08:24:15
11 Facebook was recording users' on platform activity,
12 where is it recorded?

13 What did you mean by that?

14 MR. BENJAMIN: Objection to form.

15 THE DEPONENT: It is -- in order to run 08:24:46
16 our site, we maintain like a -- we understand that
17 the actions people take on the site, and that
18 activity is what we then use for ads.

19 Q. (By Ms. Weaver) And how is that activity
20 identified and then used for ads? 08:25:03

21 MR. BENJAMIN: Objection to form.
22 Compound. Vague.

23 THE DEPONENT: Can -- do you mind
24 clarifying what you mean by "identified"?

25 Q. (By Ms. Weaver) Sure. 08:25:17

1 If Facebook User A is acting on the 08:25:18
2 platform, how does Facebook -- and let's say in the
3 period 2007 to 2014 -- how did Facebook identify
4 which activity to observe and record for use in
5 ads? 08:25:36

6 MR. BENJAMIN: Objection to form. Vague.
7 Calls for speculation.

8 THE DEPONENT: I think it wasn't that
9 something was recorded specifically for the use in
10 ads. 08:25:49

11 So as an example, if I liked a page, we
12 would know that I liked a page. And that was
13 because also I have -- when I go to my profile, I
14 need to see that I liked that page. That's
15 something that happens outside of ads completely. 08:26:02

16 Ads then -- our ad system can then use
17 that activity in order to help inform my future ads
18 by understanding what my interests might be.

19 The -- does that get at what you were
20 asking? 08:26:21

21 Q. (By Ms. Weaver) Yes.

22 So when Facebook is using that activity,
23 was Facebook looking at whether or not that
24 activity was marked private or public by the user?

25 MR. BENJAMIN: Objection to form. Scope. 08:26:36

1 THE DEPONENT: No. Activity on Facebook 08:26:38
2 is we -- it's not quite differentiated in those two
3 buckets. And our -- we did not reference that
4 explicitly in use for ads.

5 Q. (By Ms. Weaver) So if I mark -- let's 08:26:56
6 say I liked a product, but only a restricted
7 audience had access to that like, did Facebook then
8 restrict the use of that like in advertising only
9 in relation to the people with whom I had shared
10 that like? 08:27:19

11 MR. BENJAMIN: Objection. Vague. Time
12 period.

13 THE DEPONENT: I think there are a few
14 things that I -- to -- to unpack there.

15 So a product, which I understand to mean 08:27:32
16 maybe something that a brand has posted, would be
17 from like a Facebook page. Those are public.
18 There is only one setting for that -- that post.
19 And so when a user likes it, it is a public action
20 they are taking, and then we would use that for 08:27:47
21 ads.

22 I'm not sure if that gets to -- to the
23 example you gave.

24 Q. (By Ms. Weaver) Right. That's -- so
25 that's one scenario. But let's assume a scenario 08:27:55

1 where a friend posts something on the wall and I 08:27:57
2 like it. And that like indicates something about
3 me.

4 Does Facebook use that like to decide how
5 to target me for ads? 08:28:09

6 MR. BENJAMIN: Objection. Form. Vague.
7 Calls for speculation.

8 THE DEPONENT: We use people's activity
9 and it could include activity from liking a post.
10 It's not that we then target an ad to someone based 08:28:21
11 on that. It is still based on the advertiser's
12 desired audience.

13 So the way they've set up the parameters
14 for their audience. And then the information of
15 people's activity helps us understand if they would 08:28:33
16 be interested in an ad.

17 Q. (By Ms. Weaver) When Facebook is using a
18 user's activity to identify advertiser's desired
19 audiences, is Facebook limiting users' activity
20 that is public, or is it also using activity 08:28:53
21 that -- for which users have restricted the
22 audience?

23 MR. BENJAMIN: Objection. Form. Vague.

24 THE DEPONENT: I -- today, I do not
25 believe that we use the -- actually, there's a 08:29:13

1 clarification here that's important. 08:29:18

2 We use people's activity not just in
3 terms of like they -- the exact action they took,
4 but also aggregated. So the fact that you were
5 active on Facebook in the last month is something 08:29:30
6 that we would understand and use in order to inform
7 an ad.

8 There isn't a distinction there of
9 whether or not that activity -- the fact that you
10 were active in the last month is public or private. 08:29:41
11 So I -- I'm not sure that there's a clear way to
12 answer what you're getting at.

13 Q. (By Ms. Weaver) So for aggregated
14 activity, there's no distinction between public and
15 private. And public and private access -- 08:29:54
16 activities are all in one bucket; is that fair?

17 MR. BENJAMIN: Objection. Form.
18 Misstates. Vague.

19 THE DEPONENT: There are -- our -- the
20 way people interact with the platform and -- and 08:30:12
21 what they do on the platform does not fall into
22 buckets of private and public.

23 And so are also, when we think of like if
24 you've been active in the last month, it doesn't
25 differentiate between those because they're not a 08:30:25

1 concept within the activity on our platform. 08:30:27

2 Q. (By Ms. Weaver) So in 2014 -- let's use
3 the not aggregated example.

4 In 2014, when a user engaged in a
5 specific activity and that activity was designated 08:30:41
6 for a restricted audience, meaning something less
7 than public, did Facebook use that activity to help
8 curate audiences for advertiser?

9 MR. BENJAMIN: Objection form.

10 THE DEPONENT: It's not that curating 08:31:09
11 can -- curating audiences for advertisers, I'm not
12 really sure exactly what that means.

13 If it's that we have a targeting option
14 and an advertiser has defined their target audience
15 and then in order to deliver that ad, we use 08:31:25
16 people's activity, and it's not differentiated
17 between public or private.

18 Q. (By Ms. Weaver) And is that true for the
19 entire class period, 2007 to the present?

20 A. I'm not sure if there have been 08:31:44
21 carve-outs in some manner throughout that. I
22 think -- in -- in a way that maps to private or
23 public. Because, again, it -- it's not really
24 what -- reflective of our system works.

25 Q. And when you say "It's not reflective of 08:31:57

1 how our system works," can you describe what you 08:31:58

2 mean, or can you kind of explain what you mean?

3 A. Yes. So something such as liking a page,

4 I think, is what you're referencing as public.

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5 | Other areas -- things like looking at an ad or 08:32:12
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6 | watching or -- or -- or looking at a photo, those

7	are activity.
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8 I'm not sure how we would designate those

9 as public or private because it's not something

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10      that's -- necessarily has a trace that leaves                                08:32:25
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11 | behind. It's something that is activity that is on

12 | our platform. Those are interactions, even if it

13 isn't a like or a comment.

14 Q. And are all of those interactions used in

15 | some form for advertising? 08:32:40

16 MR. BENJAMIN: Objection.

17 THE DEPONENT: No.

18 MR. BENJAMIN: Form.

19 Q. (By Ms. Weaver) What are the forms that

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20 | are used -- what are the activities that are used | 08:32:46
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21	for advertising?
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22 A. We use like page and ad engagement. So

23 | the interactions I was talking about before. We

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24 use whether -- how someone has interacted with our
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25 products. For example, how they connect to 08:33:02

1 Facebook. And if they're using browser or mobile 08:33:04
2 and that -- that type of information. We use
3 information they provide on their profile.

4 And then like I was saying, the -- the
5 more aggregated statistics of have -- have they 08:33:20
6 logged in the last month. Are they an active page
7 user. Are they -- those are examples.

8 Q. Does Facebook use, for example,
9 information about likes that users post for
10 advertising? 08:33:41

11 A. Can you clarify --

12 MR. BENJAMIN: Objection.

13 Q. (By Ms. Weaver) Do you know what a like
14 is?

15 A. Yes. I -- I'm not sure what you mean by 08:33:52
16 information about a like. Just that a like
17 occurred?

18 Q. Sure.

19 A. We --

20 Q. Does Facebook use likes for advertising? 08:33:59

21 A. Yes, we do. As an example, page likes
22 would be something that we use. An ad like would
23 be also another example.

24 Q. Does Facebook use likes on other content
25 for advertising? 08:34:14

1 A. Yes. I don't think that it is like all 08:34:20
2 likes. But I'm not sure that there is a click or
3 differentiation of what has been in the system over
4 the entire -- from 2007 until to now -- now.

5	Q. Did Facebook's policy or practices change	08:34:35
6	with regard to which likes it uses for advertising	
7	over time?	

8 MR. BENJAMIN: Objection to form and
9 scope.

10 THE DEPONENT: I -- what -- for -- I 08:34:48
11 don't think that there were like rules that have
12 been changed. That -- that's not something I
13 recall.

14 Q. (By Ms. Weaver) So if a friend wrote a
15 post and I liked it, would that be used for 08:35:04
16 advertising at Facebook?

17 A. That -- that example would not be used.

18	Q. Why not?
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19 A. Honestly, I think we have found that the
20 page and ad engagement, which was the center of all 08:35:20
21 of this, and activity we used up until that -- up
22 until the -- besides that piece, has been helpful
23 for understanding people's interests and that
24 wasn't something that was included.

25	Q. And when you say "advertising," what do	08:35:40
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1 you mean? 08:35:43

2 A. I mean specifically an ad that has been
3 created by an advertiser and placed through our ad
4 creation tool, such as ads manager, with a desired
5 audience and a bid. And then that they pay for the 08:35:58
6 placement of that ad. So when we show that ad,
7 they pay for that impression.

8 Q. I would -- I'm trying to understand what
9 is excluded by your definition of "advertising" in
10 term of ways that Facebook is compensated for 08:36:13
11 allowing the targeting of users.

12 Are there examples of ways in which
13 Facebook shares information about users that you
14 think is excluded from the definition of
15 advertising? 08:36:33

16 MR. BENJAMIN: Objection to form.
17 Argumentative. Vague.

18 THE DEPONENT: So my definition is
19 specifically about the -- what -- what is like paid
20 advertising. I don't -- I'm not quite sure what 08:36:49
21 you mean in terms of other ways people could access
22 information. I'm happy to -- to understand that
23 better.

24 Q. (By Ms. Weaver) Okay. So you're
25 excluding, for example, research from advertising; 08:36:59

1 is that an example of something you're excluding? 08:37:03

2 MR. BENJAMIN: Objection to form.

3 Misstates. Argumentative.

4 THE DEPONENT: Do you mean research such

5 as someone -- I'm -- I'm not -- I'm not actually 08:37:13

6 sure what you mean by that.

7 What would be an example?

8 Q. (By Ms. Weaver) Is there a research

9 department at Facebook?

10 A. We do have an internal -- 08:37:22

11 MR. BENJAMIN: Objection to form.

12 Objection to form and scope.

13 THE DEPONENT: We --

14 MR. BENJAMIN: You can answer.

15 THE DEPONENT: We do have an internal 08:37:29

16 research department, yes.

17 Q. (By Ms. Weaver) And are you excluding

18 from your definition of advertising the way that --

19 that research department might use information

20 about users, in your discussion today? 08:37:39

21 A. Yes. I --

22 MR. BENJAMIN: Objection to form.

23 Objection to form and scope.

24 THE DEPONENT: Yes, I am. But I'm not

25 sure I understand how our internal research 08:37:52

1 department is related to an -- an -- a nonMeta 08:37:54
2 advertiser either.

3 Q. (By Ms. Weaver) Right. Okay. I'm just
4 trying to understand if there are certain ways in
5 which information about users is recorded by 08:38:04
6 Facebook and still shared, but that is excluded
7 from your definition -- definition of advertising?

8 A. I wouldn't consider our internal --
9 internal research department sharing information.
10 It is -- they are a part of Meta. 08:38:22

11 Q. Okay. And you're not capable of
12 testifying about the research department; is that
13 right?

14 MR. BENJAMIN: Objection to form. The
15 characterization. And also to note that the scope 08:38:37
16 of the deposition was the subject of numerous
17 meet-and-confers and correspondence between --

18 (Simultaneously speaking.)

19 MS. WEAVER: I just asked for an answer.

20 THE DEPONENT: That's correct. I'm not 08:38:50
21 an expert on the research department or the breadth
22 of research that we do and don't do.

23 Q. (By Ms. Weaver) Got it.

24 So you've defined advertising as when an
25 ad is created by an advertiser and placed through 08:39:22

1 our ad creation tool, such as ads manager. 08:39:24

2 If an ad is not created by the
3 advertiser, does Facebook itself create ads?

4 A. We do not create ads for a third party.

5 We -- we do -- we are also an advertiser on our own 08:39:40
6 platform. And then we also use our creation tools
7 to create that ad.

8 Q. And are you testifying on that topic
9 today?

10 A. About our -- our own ads? 08:39:55

11 Q. Yes.

12 A. To the extent that it relates to our
13 targeting and ad delivery, yes, because it's the
14 same system. In terms of like our marketing
15 efforts, probably not. No, I don't think I'm an 08:40:11
16 expert on that.

17 Q. Okay. And you also said you were
18 limiting advertising -- and I'm just trying to
19 parse it out -- to "an ad is created by an
20 advertiser and placed through our ad creation 08:40:28
21 tool."

22 So are you excluding examples where the
23 ad is not placed through the ad creation tool or is
24 that just part of -- in your process?

25 A. That's just part of the process. It's 08:40:42

1 not an exclusion. There aren't -- it's not a way 08:40:43

2 to exclude other ads.

3 Q. Okay. And then you said they pay for the

4 placement of that ad, or they pay for an

5 impression; is that right? 08:40:56

6 A. Yes.

7 Q. Okay. Is that the only thing that third

8 parties pay Facebook for with regard to

9 advertising?

10 MR. BENJAMIN: Objection to form. 08:41:10

11 THE DEPONENT: Do you mean in terms of --

12 of an ad that they've tried to create and deliver.

13 Q. (By Ms. Weaver) Yes.

14 A. Yes. Is -- they pay for the impression

15 delivered or -- or the -- the fact that we have 08:41:28

16 shown that ad to someone is -- is what an

17 advertiser is paying for.

18 Q. Is it fair to say that different metrics

19 can be established for purposes of triggering

20 payment in an agreement with an advertiser? 08:41:44

21 A. I'm not sure what you mean. Do you mind

22 clarifying.

23 Q. Do advertiser pay for -- can they agree

24 to pay for views or impressions or clicks, or some

25 other metric? 08:42:00

1 A. They -- they choose the objective of 08:42:02
2 their ad, and that is part of what defines -- what
3 their -- the action that they're effectively paying
4 for. So you can -- when -- when they choose that
5 objective, there's -- there are various options. 08:42:16
6 One of them might be people's clicks and views. So
7 if like a reach or brand awareness would probably
8 be looking for views. And those are the actions
9 that take.

10	The -- when -- when someone sets up their	08:42:30
11	ads -- their ad, they are given the option --	
12	look -- I said to set their objective and their	
13	bid. And then that helps determine the payment	
14	when the ad is actually shown and that action is	
15	taken.	08:42:45

16 Q. Okay. If we can, I'd like to break down
17 some of the definitions here, just to back it up a
18 little bit.

19	So could you identify the general buckets	
20	of actions taken for which Facebook receives	08:42:57
21	payment from advertisers?	

22 MR. BENJAMIN: Objection to form.

23 THE DEPONENT: Actions taken by -- by
24 people viewing the ad or by the advertiser?

25	I'm sorry.	08:43:12
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1 Q. (By Ms. Weaver) By the users. 08:43:14

2 A. So I believe that payment -- so --

3 viewing an ad is what we charge an advertiser for.

4 It is the impression. There are ways to cut the

5 cost that helps an advertiser understand whether it 08:43:31

6 was the -- what the -- the -- the cost per action

7 was.

8 So for example, if we show an ad 100

9 times, there will be a cost per impression. If

10 we -- that ad was only clicked 20 times, there will 08:43:48

11 be a cost per click.

12 Those are the -- the -- the breakdown of

13 the payments that the advertiser is then invoiced

14 and that they make to us is based on the

15 performance of that ad. 08:44:03

16 Q. And when you say "view," what do you

17 mean?

18 A. If I'm going through my newsfeed and I

19 see an ad as a user, that is an impression. It's

20 a -- or a view, sorry -- view is probably more 08:44:16

21 colloquial. But it is the impression of me seeing

22 the ad.

23 Q. And how does Facebook know that a user

24 saw the ad?

25 A. Because we know that a user is on 08:44:30

1 Facebook, and they are scrolling through their 08:44:33
2 newsfeed.

3 Q. And is Facebook then recording
4 specifically what each user views?

5 A. We do know what people view. 08:44:43

6 Q. And does Facebook record that so it can
7 record it to the third party for payment purposes?

8 MR. BENJAMIN: Objection to form.

9 THE DEPONENT: I'm not sure if -- can you
10 walk me through -- maybe "record" is throwing me 08:45:01
11 here. And what --

12 Q. (By Ms. Weaver) Okay.

13 A. -- do you mean by report back to the
14 advertiser?

15 Q. I'm using "record" because you used 08:45:07
16 record.

17 A. Okay.

18 Q. What did you mean by "record" when you
19 used it?

20 A. Just that it is logged. So we have -- 08:45:14
21 when someone goes in their newsfeed and they see a
22 ad, we know that they saw an ad. We do use that to
23 say one person saw this ad. And when we share
24 information back to the advertiser, we share
25 aggregated reporting information so they would know 08:45:30

1 in aggregate how many people saw an ad. We don't 08:45:32
2 share that "I, Bella, saw the ad."

3 Q. But in its base, Facebook must have a
4 record that you, Bella, saw the ad because somehow
5 you've got to aggregate, right? 08:45:45

6 A. Yes. We do know that I saw the ad. But
7 we don't share that with the advertiser.

8 Q. Did that change over time?

9 A. No, not to my knowledge.

10 Q. Okay. 08:46:03

11 A. Sorry, Matt.

12 Q. So from 2007 to the present, did Facebook
13 at any point in time share with advertisers who
14 specifically saw what ad?

15 A. Our performance and reporting to 08:46:14
16 advertisers is aggregated. And it explains the
17 performance of their ads, not the people who saw
18 their ads. And that's been consistent.

19 Q. And has it -- the size of the aggregated
20 groups that Facebook reported to advertisers 08:46:36
21 changed over time?

22 A. I -- I would assume it has. I don't know
23 what that timeline looks like or the -- the
24 changes, specifically.

25 Q. In general, is it fair to say that the 08:46:57

1 groups have gotten larger in part as an attempt to 08:47:00
2 protect the identification and reidentification of
3 users, when reporting to advertisers who has seen
4 what advertisement?

5 MR. BENJAMIN: Objection to form. 08:47:14

6 THE DEPONENT: Again, I don't know
7 exactly what those changes are or the trend in --
8 to -- to confirm that.

9 Q. (By Ms. Weaver) Did Facebook have a
10 policy about that? 08:47:26

11 MR. BENJAMIN: Objection to form.

12 THE DEPONENT: I don't think that there's
13 been an explicit consistent policy about that, in
14 terms of -- over the entire period.

15 Q. (By Ms. Weaver) Are you aware of any 08:47:45
16 policies that relate to it during any time period?

17 MR. BENJAMIN: Objection to form. Scope.

18 THE DEPONENT: For ads, we -- we -- we do
19 aggregate. I don't think that -- or I'm not aware
20 of a -- a one threshold that is -- that happens 08:48:02
21 throughout.

22 I think that those are evaluations with
23 the privacy and policy and legal teams that help
24 establish it for that product and what makes sense
25 in terms of potential reidentification or not. 08:48:18

1 Q. (By Ms. Weaver) Who on those teams is 08:48:23
2 knowledgeable about this topic?

3 A. I would expect our privacy team would be
4 and I -- I don't have a name off the top of my
5 head. 08:48:33

6 Q. Okay. If you think of a name during the
7 course of the deposition, will you circle back?

8 A. Yeah.

9 Q. Thank you.

10 When you say "that product" -- you said 08:48:48
11 the privacy and legal team establish a threshold
12 for that product, what did you mean by "product,"
13 in general?

14 A. Yes. Sorry. That was very internal
15 speak. 08:49:02

16 That would be, as an example, something
17 that I consider a product or our targeting options.
18 So one of those options could be a product.

19 In this case, I was thinking more
20 specifically about our ad reporting UI and the -- 08:49:16
21 the metrics that we provide there as a product.

22 Q. When you said "ad reporting UI," you mean
23 ad reporting user interface; is that right?

24 A. As an advertiser, when I create the ad in
25 ads manager, as an example, the interface that I go 08:49:34

1 back to, to understand how that ad is performing. 08:49:36

2 Q. And what metrics are you referring to
3 when you said the metrics we provide is a product
4 in the UI?

5 A. So as an example, the number of 08:49:49
6 impressions an ad has received. The number of
7 clicks it's received.

8 Q. And to return a little bit to where we
9 are and just close it out.

10 Are there any other metrics that Facebook 08:50:04
11 reports to advertisers?

12 A. Outside of performance metrics?

13 Q. Yes.

14 MR. BENJAMIN: Objection to form.

15 THE DEPONENT: No. 08:50:15

16 Q. (By Ms. Weaver) And over the class
17 period, is that true as well?

18 MR. BENJAMIN: Objection. Form.

19 THE DEPONENT: Again, related to ads
20 reporting, it is based on the performance of those 08:50:31
21 ads. And I'm not -- I don't think that there are
22 other metrics that we report outside of the
23 performance of their ads.

24 Q. (By Ms. Weaver) And with regard to
25 performance metrics, does -- has Facebook ever 08:50:43

1 provided any information other than clicks and 08:50:48
2 views?

3 A. The cost per clicks is an example. The
4 payment -- or the -- the -- how much it has cost
5 them to run that ad. There's a series -- I'm 08:50:58
6 happy -- maybe that's -- I don't know the full
7 list, but I'm happy to get -- make sure that
8 there's a screenshot provided of the UI.

9 Q. What is a cost per click?

10 A. A cost per click is over -- the amount an 08:51:16
11 advertiser has spent. If they spent five dollars
12 and they got 20 clicks in the delivery of that ad,
13 the cost per click is literally the -- the amount
14 spent per click. So the average cost per click.

15 Q. And what is payment per click? 08:51:34

16 A. It's not a payment per click. It's just
17 the total they spend divided by the -- how much --
18 how many clicks they got. And then their total
19 payment is how much they're charged for that ad.

20 Q. Okay. In terms of the targeting 08:51:52
21 categories advertisers can identify, can you
22 generally describe all of them?

23 A. Yeah, absolutely.

24 MR. BENJAMIN: Objection. Vague.

25 THE DEPONENT: For -- so just as a 08:52:22

1 starting point, when we say "identify," I -- I -- 08:52:24
2 this -- what I'll describe is what's in -- what we
3 provide to advertisers for them to set their
4 desired audience.

5 So when an advertiser goes to create an 08:52:35
6 ad, like I said, they give us the content of their
7 ad. So what they want it to look like when it's
8 run on Facebook. And then they set up their
9 objective and the budget, the pacing, et cetera.
10 And then they get to the -- the audience portion. 08:52:49

11 And there they're given options that we
12 often bucket into what's called core audiences.
13 And that might be demographics and location. So
14 they're selecting whether they want to reach an age
15 range and what that age range is. And then whether 08:53:05
16 they want to reach everyone or men or women.

17 And then they select the location. So
18 for example, if they want to reach all of the state
19 of Washington or -- or kind of within that, what
20 realm, where they want their ad to be shown. 08:53:20

21 Outside of our core audiences, we also
22 have what is called like detailed targeting. And
23 that's -- that's based off -- or that's -- those
24 are -- examples are interests or behaviors.

25 So interest might be things like hobbies, 08:53:35

1 topics, public figures that people have engaged 08:53:39
2 with. And then behaviors might be the way they
3 connect to Facebook, their purchase behavior. So
4 whether they've bought things before. If they
5 interact with games, as an example. 08:53:52

6 And then there are custom -- custom
7 audiences which largely break down into customer
8 lists. So an advertiser providing information
9 about their existing customers in order to reengage
10 them. Website custom audiences and app custom 08:54:08
11 audiences. And then our engagement custom
12 audiences, which is to reengage people who already
13 interacted with your -- your page on Facebook.

14 Q. (By Ms. Weaver) So in your
15 understanding, is custom audiences a subset of 08:54:28
16 detailed targeting?

17 A. No. We usually consider it separate.

18 Q. And why is it separate?

19 A. I mean, in large part because of the way
20 we've structured the UI and how our conversations 08:54:47
21 with advertiser have been about the flow of it.
22 It's also somewhat different in terms of the
23 information that backs those -- those targeting
24 options.

25 So detail targeting, like I said, is -- 08:55:00

1 is -- are things like interests and behaviors. 08:55:02
2 Those are based on activity. Whereas, something
3 like a custom audience is really much more specific
4 to that advertiser. It's information about their
5 existing customers. And so it's -- it's somewhat 08:55:12
6 distinguished both from an advertiser mental model
7 but also in the UI.

8 Q. Okay. So I'm hearing that there are --
9 well, in the -- is engagement custom audiences a
10 subset of custom audiences? 08:55:30

11 A. Yes.

12 Q. And is that based on a -- different
13 information that's backing it?

14 A. Yes. So just to clarify, the custom
15 audiences, they're -- those kind of three types, 08:55:47
16 each one of those would have different information
17 that backs it.

18 Q. And for the record, those three types
19 are?

20 A. Customer lists. And then website custom 08:56:01
21 audiences. App custom audiences. And then the
22 last kind of bucket is the engagement custom
23 audiences.

24 Q. And what's an engagement custom audience?

25 A. When an advertiser has a page -- page on 08:56:14

1 Facebook, people will like interact, follow that 08:56:16
2 page. The engagement custom audience is a way for
3 an advertiser to say "I want the audience of my ad
4 to be the people who have chosen to follow my
5 page." 08:56:29

6 Q. Okay.

7 A. And so on -- on Meta or on Facebook
8 activity to -- to -- for an advertiser to reengage
9 with their existing audience on Facebook.

10 Q. So recap, is it fair to say that you've 08:56:44
11 identified three kinds of targeted advertising core
12 audiences to detail targeting and three custom
13 audiences?

14 A. Yes.

15 MR. BENJAMIN: Objection to form. 08:57:00

16 Q. (By Ms. Weaver) And other than those
17 three, are you aware of any other kind of targeted
18 advertising that has occurred at Facebook from 2007
19 to the present?

20 MR. BENJAMIN: Objection to form. 08:57:10

21 THE DEPONENT: Other kinds of advertising
22 usually fit in with those three if -- those are how
23 we've characterized and captured our targeting
24 options for many years.

25 Q. (By Ms. Weaver) And when you say "for 08:57:26

1 many years," can you identify -- be a little bit 08:57:27
2 more specific?

3 A. I think from 2007 onwards. I mean,
4 that -- those -- that's how we describe the
5 categories of the types of targeting. 08:57:36

6 Q. And when you say "other kinds of
7 advertising," are you thinking of other specific
8 examples that you would slide into one of these
9 three buckets?

10 A. As an example, we used to have partner 08:57:49
11 categories. That's something that would have fit
12 under the detailed targeting and has since been
13 deprecated.

14 Q. Anything other than partner categories
15 that you're thinking of? 08:58:03

16 A. That was what I was thinking of
17 specifically. There have been -- I mean, changes
18 within what we offer over the years, but I think
19 the -- the structure of the three types is pretty
20 consistent. 08:58:17

21 Q. And I should have said this at the
22 outset. But you're here testifying on behalf of
23 Facebook today, right, you're aware of that?

24 A. Yes.

25 Q. Okay. So when you're saying "you," it's 08:58:26

1 the Facebook you, unless you are telling me it's 08:58:29
2 your personal knowledge, correct?

3 A. Correct.

4 Q. And that applies to your previous
5 testimony and your testimony going forward, 08:58:35
6 correct?

7 A. Correct.

8 Q. Okay. Thank you.

9 What do you understand partner categories
10 to mean? 08:58:44

11 A. Partner categories were targeting options
12 that were built off of agreements with data brokers
13 where we might not have had that information. And
14 so it was a way to connect in information that
15 advertisers found relevant to their ads and provide 08:58:58
16 that as a way for them to define their audience on
17 Facebook.

18 Q. And in this instance, when you define
19 advertisers, are you including the data brokers or
20 Facebook as well? 08:59:15

21 MR. BENJAMIN: Objection to form and
22 scope.

23 THE DEPONENT: I -- the advertiser is the
24 person buying the ad.

25 I'm not sure if that answers your 08:59:28

1 question. 08:59:29

2 Q. (By Ms. Weaver) And sometimes did
3 Facebook buy an ad?

4 A. We do run our ads on our own platform,
5 yes. 08:59:35

6 Q. And do you know if Facebook bought ads
7 through partner categories?

8 A. So it's not --

9 MR. BENJAMIN: Objection to form and
10 scope. 08:59:44

11 THE DEPONENT: It's not that you're
12 buying an ad through a partner category. The
13 partner category, as an example, like grocery
14 shoppers, is one of the options in the creation of
15 the ad through our -- our ad creation, so like ad 08:59:57
16 manager.

17 It would have been something someone can
18 select to define their audience. When we create an
19 ad, we also use those options. So I -- I honestly
20 can't definitively say whether we did or didn't 09:00:11
21 ever use a partner category.

22 Q. (By Ms. Weaver) And how long were
23 partner categories in existence?

24 A. They were deprecated in --

25 MR. BENJAMIN: Objection -- objection to 09:00:23

1 form and scope. 09:00:24

2 THE DEPONENT: They were deprecated in
3 2018. And they were brought onto the platform
4 several years earlier. But I don't know the exact
5 year. 09:00:39

6 Q. (By Ms. Weaver) Who made the decision to
7 deprecate partner categories?

8 MR. BENJAMIN: Objection to form and
9 scope.

10 THE DEPONENT: This was not a singular 09:00:48
11 person's decision to deprecate partner categories.

12 Q. (By Ms. Weaver) Okay. But who -- who at
13 Facebook, in general, whether it's a team or a
14 name, decided to deprecate partner categories?

15 A. This would have been -- 09:01:01

16 MR. BENJAMIN: Objection to form and
17 scope.

18 THE DEPONENT: -- a decision across the
19 ads product policy and legal cross-functional team.

20 Q. (By Ms. Weaver) And what's your 09:01:10
21 understanding of why that decision was made?

22 MR. BENJAMIN: Objection to form and
23 scope.

24 THE DEPONENT: My understanding is that
25 we -- we felt that over time people's expectations 09:01:20

1 had evolved and that partner categories weren't 09:01:23
2 something that we wanted to offer any longer.

3 Q. (By Ms. Weaver) How were partner
4 categories not consistent with people's
5 expectations? 09:01:36

6 MR. BENJAMIN: Objection to form. Calls
7 for speculation. Vague and scope.

8 THE DEPONENT: My understanding is it's a
9 type of data coming in. And though -- although it
10 was transparent, there was decision to not offer 09:01:52
11 those any longer.

12 Q. (By Ms. Weaver) And you're saying the
13 partner category is an example of detailed targeted
14 advertising, right?

15 A. It -- it falls into that bucket, yes. 09:02:08

16 Q. And -- and you're testifying about
17 targeted advertising today, right?

18 A. About our ad targeting and ad delivery,
19 yes.

20 Q. Okay. And as you sit here today, can you 09:02:19
21 explain why Facebook deprecated the kind of
22 detailed targeted advertising that was called
23 partner categories?

24 MR. BENJAMIN: Objection to form. Scope.

25 THE DEPONENT: We consistently look at 09:02:41

1 the targeting options we provide. We've deprecated 09:02:43
2 a number of options, to partner categories is an
3 example. That assessment is often done across the
4 group, including with our product teams. And this
5 wasn't a product they wanted to continue to 09:02:54
6 support.

7 Q. (By Ms. Weaver) That's very general and
8 it doesn't actually help me understand. So let me
9 just try -- I'll ask a different question. Forget
10 all the other examples. 09:03:06

11 With regard to partner categories, why
12 did Facebook -- what were the reasons that Facebook
13 decided to deprecate them?

14 MR. BENJAMIN: Objection to form. Scope.

15 And to the extent that answering 09:03:21
16 Ms. Weaver's question would require you to disclose
17 privileged information, please carve that out of
18 your answer.

19 To the extent you can answer the
20 question, please do so. 09:03:31

21 THE DEPONENT: I think I've answered the
22 question to -- to that extent.

23 I mean, we look at our products and we --
24 we determine which ones to continue supporting.

25 Partner categories was one that was then 09:03:45

1 deprecated. 09:03:46

2 Q. (By Ms. Weaver) What particular
3 characteristics of partner categories did Facebook
4 consider and then decide the reason for deprecating
5 it? 09:03:56

6 A. They were -- sorry. Go ahead, Matt.

7 MR. BENJAMIN: Objection to form. Scope.
8 And the same caution regarding privilege.

9 THE DEPONENT: These were a place where
10 we had data in. It was part of the decision, but 09:04:10
11 I -- this was just a product that was no longer
12 going to be supported.

13 Q. (By Ms. Weaver) So I'm -- I'm trying to
14 understand the reasons for the decision, and you
15 keep just telling me what the decision was. 09:04:22

16 So let me try it this way. When Facebook
17 decides to deprecate a product, what are the
18 considerations?

19 MR. BENJAMIN: Objection to form.

20 Q. (By Ms. Weaver) Let me restate it. 09:04:39

21 When Facebook decides to discontinue an
22 advertising product, what are the reasons, in
23 general?

24 A. We'll look at their use, whether it's
25 performing well. Is it helping deliver ads that 09:04:52

1 are relevant and interesting. Whether advertisers 09:04:55
2 want it or not.

3 And then also our understanding -- like
4 from the policy side, we'll also understand whether
5 or not these are areas that -- that other groups 09:05:05
6 use and industry standard.

7 I mean, there's a number of
8 considerations, all kind of from everyone's
9 expertise. And I'm sure that's what was applied in
10 those conversations as well. 09:05:23

11 Q. Does Facebook consider user expectations
12 in reaching such decisions?

13 A. Yeah, absolutely. We -- we work to
14 understand what our -- what our user base would
15 want and -- and how they would prefer our product 09:05:36
16 to be built as well.

17 Q. Did Facebook consider user expectations
18 when considering whether or not to deprecate
19 partner categories?

20 MR. BENJAMIN: Objection to form. Scope. 09:05:48
21 And the same instruction regarding privilege.

22 THE DEPONENT: Yes. I think because it
23 is always a consideration across all of our
24 decisions.

25 Q. (By Ms. Weaver) Who specifically would 09:06:06

1 know why Facebook deprecated partner categories? 09:06:07

2 A. Again, it was a group decision. I mean,
3 across the cross-functional group. I'm happy to --
4 to work with the team to figure out who might be --
5 who might have been part of that conversation, 09:06:21
6 specifically.

7 Q. Yes. We would like to know by name who
8 was involved in the decision to deprecate partner
9 categories.

10 And as you sit here today, you can't 09:06:31
11 provide that information; is that right?

12 MR. BENJAMIN: Objection to form.
13 Misstates. And objection to scope.

14 THE DEPONENT: I've provided from the
15 targeting side the way that we assess these 09:06:42
16 decisions. And I -- I'm not sure if there's much
17 more I could say on that one.

18 Q. (By Ms. Weaver) Okay. Just to be clear,
19 for the record, I'm specifically asking if you can
20 identify by name any one person involved in the 09:06:54
21 decision to deprecate partner categories.

22 Can you?

23 MR. BENJAMIN: Objection to form and
24 scope.

25 THE DEPONENT: A singular person or a 09:07:05

1 team? 09:07:07

2 Q. (By Ms. Weaver) Any -- any -- any names

3 that you can think of.

4 A. I mean, Andrew Howard was involved.

5 Q. Anyone else? 09:07:23

6 A. Like I said, there wasn't -- there

7 were --

8 (Simultaneously speaking.)

9 MR. BENJAMIN: The same -- the same

10 objections. 09:07:28

11 THE DEPONENT: There were multiple teams

12 involved. I don't know the full list of the entire

13 cross-functional team that was involved, as they

14 are involved when we introduce a new product or

15 deprecate other products. 09:07:40

16 Q. (By Ms. Weaver) Okay. But I'm not

17 asking for an exhaustive and complete list. I

18 literally was asking if you can identify even a

19 handful of people or one name.

20 Other than Mr. Howard, can you identify 09:07:49

21 anybody else who was involved in the decision to

22 deprecate partner categories?

23 A. Amy Dunn.

24 MR. BENJAMIN: Objection. Objection --

25 sorry, Bella. Objection to form. 09:07:58

1 THE DEPONENT: No, please. 09:08:00

2 MR. BENJAMIN: Asked and answered. And

3 scope.

4 THE DEPONENT: Amy Dunn. She was a

5 former -- she's now a former employee. She was one 09:08:08

6 of the product marketers for targeting. So I would

7 assume was directly involved.

8 Q. (By Ms. Weaver) Anyone else?

9 A. Honestly, from the top of my head, for

10 that exact decision, I -- I wouldn't be able to 09:08:24

11 tell you many more names.

12 Q. Who is Andrew Howard?

13 A. He's on our policy team.

14 Q. And when you say "policy team," what do

15 you mean? 09:08:39

16 A. The -- across ads. And then also other

17 products, there are -- there's a policy counterpart

18 for that product. They participate in product

19 development, product decisions. They work as part

20 of the cross-functional team involved in developing 09:08:53

21 products. And Andrew is an example for ads.

22 Q. And when you're saying "policy," what do

23 you mean?

24 A. I mean providing -- I mean -- I'm sorry.

25 I'm not totally sure what you mean by 09:09:11

1 that question. 09:09:14

2 Q. You said there's a policy counterpart for
3 that product.

4 What do you mean by policy?

5 A. So in this case, it's privacy policy. 09:09:19

6 It's the name of the team that Andrew is on and
7 that I'm on. And we are -- we work with a product
8 team as they develop products.

9 Q. And how many people are on the privacy
10 policy team currently? 09:09:33

11 A. Currently, I would, I think, ballpark
12 probably 170. 170 people.

13 Q. When was the privacy policy team first
14 established?

15 A. A long time ago. I'm -- I'm not sure of 09:09:53
16 the exact date when our team was established.

17 Q. Was there a privacy policy team in 2012?

18 A. Yes, there was.

19 Q. And who was on it?

20 A. An example would be Rob Sherman or 09:10:07
21 Erin Egan.

22 Q. And in 2012, how many people were on the
23 privacy policy team?

24 A. I can't tell you that with high
25 confidence. I'm not sure of the size of the team 09:10:23

1 at that point. 09:10:25

2 Q. Was it 170 people?

3 A. No. The team has grown in the last
4 12 years.

5 Q. Was it more than 20? 09:10:33

6 A. I -- I would say yes. But I also don't
7 know exactly how we have re-org'd over that time
8 period. So it might have been a slightly different
9 named team with different scope and -- yes.

10 MR. BENJAMIN: Ms. Weaver, we've been -- 09:10:54
11 we've just been going for well over an hour, if
12 we're coming up to a good time for a break?

13 MS. WEAVER: Yeah. No problem. Let me
14 just close this out, if you don't mind.

15 Is that okay? 09:11:03

16 MR. BENJAMIN: Of course.

17 Q. (By Ms. Weaver) Okay. You said Amy Dunn
18 is a former; is that right?

19 A. Yes. Amy Dunn left, I believe, two years
20 ago, a year ago. 09:11:11

21 Q. And where does she work now, if you know?

22 A. I don't know.

23 Q. And it's D-U-N-N?

24 A. Yes, that's correct.

25 Q. And how is her first name spelled? 09:11:19

1 A. A-M-Y. 09:11:21

2 Q. And other than those two individuals, can
3 you identify anybody else who was involved in the
4 decision to deprecate partner categories?

5 A. Rob Sherman would have been aware and 09:11:34
6 probably involved. Victoria Chen Norland was Amy's
7 counterpart and partner, also on the marketing
8 side. They would have been involved.

9 And then I -- I mean, that's -- that's
10 who I can think of. 09:11:54

11 MS. WEAVER: Okay. Great. We can take a
12 break. Go off the record.

13 THE VIDEOGRAPHER: Okay. We're off the
14 record. It's 9:12 a.m.

15 (Recess taken.) 09:12:29

16 THE VIDEOGRAPHER: Okay. We're back on
17 the record. It's 9:39 a.m.

18 Q. (By Ms. Weaver) Ms. Leone, you
19 understand you're still under oath, correct?

20 A. Yes. 09:39:19

21 Q. Okay. When we broke, I had asked you if
22 you could remember anybody else, other than
23 Andrew Howard, Amy Dunn, Rob Sherman and
24 Victoria Chen Norland who were involved in the
25 decision to deprecate partner categories. 09:39:36

1 Do you recall that? 09:39:38

2 A. You had asked that, yes.

3 Q. Can you identify anyone other than those
4 four individuals who reached that decisions?

5 MR. BENJAMIN: Objection to form. 09:39:46
6 Objection to scope.

7 And I'm going to instruct the witness not
8 to answer on the basis of privilege.

9 MS. WEAVER: She can't identify who was
10 involved in the discussion on the basis of privacy 09:39:59
11 if she personally knows?

12 MR. BENJAMIN: Well, I think this
13 question has been asked and answered.

14 But Ms. Leone, to the extent you can
15 answer Ms. Weaver's question without revealing 09:40:08
16 privileged information or communications, you may
17 do so.

18 THE DEPONENT: I know that it was a
19 cross-functional team, which is what I noted.
20 Those are a few people that I knew were involved. 09:40:21
21 And beyond that, it's attorney-client privilege.

22 Q. (By Ms. Weaver) Do you have personal
23 knowledge of any other individuals who were
24 involved in the decision?

25 MR. BENJAMIN: Objection. Scope. 09:40:35

1 And same caution regarding privilege. 09:40:40

2 THE DEPONENT: Those are the -- the
3 people I can think of. And beyond that, it was a
4 very large group and -- as many of our product
5 decisions are. 09:40:51

6 Q. (By Ms. Weaver) How large was the group?

7 A. I can't --

8 MR. BENJAMIN: Objection -- objection to
9 form.

10 THE DEPONENT: I don't know an exact 09:40:59
11 number.

12 Q. (By Ms. Weaver) Okay. Let's return to
13 your testimony about the three categories of
14 targeted advertising.

15 You listed core audiences, detailed 09:41:09
16 targeting and custom audiences, correct?

17 A. Yes.

18 Q. With regard to core audiences, how long
19 has that program been in use?

20 Is it fair to call it a program? 09:41:24

21 A. I think that's fair. I would use the
22 word "product," but yes.

23 The parts that we categorize into core
24 audiences -- I think I mentioned age, gender,
25 location -- have been part of our targeting option 09:41:41

1 since we offered -- started to offer targeting 09:41:44

2 options.

3 Q. And what other demographics, other than

4 age, gender and location, are used in core

5 audiences? 09:41:54

6 A. Those are -- those are the core audiences

7 demographics.

8 Q. And with regard to gender, what do you

9 mean?

10 A. An advertiser has the option -- has three 09:42:15

11 kind of toggles -- and they choose between reaching

12 all, reach men, reaching women.

13 Q. And with regard to location, what options

14 are afforded advertisers?

15 A. When an advertiser goes to create their 09:42:35

16 ad in that location section, it effectively is a

17 map. They can choose to select where they want

18 their ad to be shown.

19 That can be by clicking on the map. That

20 can be by entering a -- a place -- or -- or a city, 09:42:50

21 a state. They can keyword search to match where

22 they want their ad to be shown.

23 Q. And how granular is the location

24 selection?

25 MR. BENJAMIN: Objection to form. 09:43:07

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1 THE DEPONENT: An advertiser can input 09:43:12
2 really kind of whatever granularity, to an extent.
3 There is then a radius and that radius cannot be
4 smaller than one mile.

5 Q. (By Ms. Weaver) And when was the 09:43:26
6 restriction that the radius cannot be smaller than
7 one mile implemented?

8 A. I believe that has been in place
9 throughout. I -- I don't believe that there was a
10 time where we didn't have that. 09:43:48

11 Q. So to be clear, from 2007 forward, it was
12 Facebook's policy that for core audiences, the
13 location could not be less than a one-mile radius;
14 is that right?

15 A. So the -- the advertiser's selection of 09:44:04
16 where to show their ad, like that selection in
17 terms of this city, et cetera, I -- I don't -- I --
18 I believe that there has always been -- so where
19 those options have been provided, I think there has
20 always been the radius, but I would honestly have 09:44:27
21 to check on if the UI has changed in the way they
22 select that.

23 Q. Was it ever possible for an advertiser to
24 provide map coordinates to target users?

25 MR. BENJAMIN: Objection -- objection to 09:44:42

1 form. 09:44:43

2 THE DEPONENT: They don't provide a map
3 coordinate. They can select -- like I was saying,
4 there's a map. They can select a point. But it's
5 not that they are selecting users. They are 09:44:55
6 selecting where they want their ad to be shown.

7 Q. (By Ms. Weaver) And could they do that
8 with the specificity of a map coordinate at any
9 point in time, from 2007 to the present?

10 A. With the radius that I mentioned. 09:45:09

11 Q. And where would you go to confirm that
12 the one-mile radius was honored from 2007 to the
13 present?

14 MR. BENJAMIN: Objection to form.

15 THE DEPONENT: I -- I would probably 09:45:28
16 discuss with our engineers if they can cross-check
17 that. I'm not sure that we have code from 20- --
18 2007.

19 Q. (By Ms. Weaver) Was there an enforcement
20 mechanism to ensure that the one-mile radius was 09:45:41
21 enforced?

22 MR. BENJAMIN: Objection to form. Vague.

23 THE DEPONENT: There -- the selection
24 from the app to enforce the selection from the
25 advertiser? 09:45:59

1 Q. (By Ms. Weaver) To enforce Facebook's 09:46:01
2 policy that there had to be a one-mile radius.

3 A. It was how location -- it's how location
4 targeting is rendered. It's not a subsequent
5 enforcement. 09:46:22

6 Q. And so it was through the code that the
7 one-mile radius is enforced; is that your
8 testimony?

9 A. Yes. It's -- it's through how an
10 advertiser selects location. 09:46:31

11 Q. And so what information does Facebook
12 rely on to determine who's within the selected
13 location?

14 A. When a user uses Facebook, we get
15 location signals within that. So for example, if 09:46:57
16 they have location services turned on, we get that
17 information. We understand where people are also
18 based on how they check in. So when someone says
19 "I'm at the airport," we would understand and get
20 that information. And other ways that people 09:47:14
21 connect through -- connect and use our platform
22 tells us where they are.

23 Q. What are the other ways that users
24 connect and use the platform that tells Facebook
25 where they are? 09:47:28

1 A. IP would be an example. 09:47:29

2 Q. You're referring to the IP address?

3 A. Of how they're connecting in, yes.

4 Q. And for the record, what's an IP address?

5 A. It's -- from your device how you're -- 09:47:40

6 where you're -- you're accessing a website for

7 connecting to the Internet.

8 Q. So in addition to check in and IP

9 address, how else can Facebook divine where users

10 are to use that information for core audience 09:47:55

11 location selection?

12 A. I think I -- I want to make sure that

13 we're clarifying the distinction here.

14 An advertiser selects where they want

15 their ad to be shown. Once they've created that 09:48:06

16 ad, we then determine who matches that audience,

17 those parameters.

18 To do that, we use people's activity and

19 how they've connected to Facebook, including like

20 their location services and the other pieces that I 09:48:23

21 mentioned there.

22 Is that what you were getting at?

23 Q. Right.

24 And so I'm asking, to make that

25 determination about whether users are within the 09:48:33

1	selected location, what information does Facebook	09:48:37
---	---	----------

2	use?
---	------

3 A. It's what I answered. It's location

4 services on their device. How they connect to

5 | Facebook. And other -- another example would be if 09:48:49

6 they check in. People can also provide on their

7 | profile where they live.

8 Those -- that's an example of information

9 | we use to determine their part -- they should meet

```
10 |         those audience parameters.                                09:49:06
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11 Q. And when you say "location services,"

12	what does that refer to?
----	--------------------------

13 A. It's a setting on devices that -- of --

14 on your iPhone, for example, that lets Facebook

15	understand where you are.	09:49:20
----	---------------------------	----------

16	Q. Does Facebook use any other information
----	--

17 to determine the location of users so that users

18 are targeted through core audiences by location?

19 A. Yes. As I mentioned, check-ins can

20 contribute to knowing where someone is. Same thing 09:49:39

21 as where they designate their hometown or where

22 | they live on their profile.

23 Q. When a user initiates a post, for

24 | example, does the metadata reflect where the user

25	was when the user made that post?	09:50:00
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1 MR. BENJAMIN: Objection to form. 09:50:07

2 THE DEPONENT: The activity there --

3 honestly, I -- that's pretty far outside of the

4 ad-specific piece. If we -- if we collect that

5 related to nonads, someone posting something. 09:50:29

6 If they were to -- the example I was

7 trying to give was like a page check-in, or where I

8 specifically post "I'm at the airport," because it

9 translates into a check-in.

10 I'm not sure if that's what -- what -- 09:50:44

11 what you were indicating.

12 Q. (By Ms. Weaver) No, it's not.

13 Let's give it -- let me give a different

14 example.

15 If somebody posts a picture, does the 09:50:52

16 metadata on the picture indicate where the picture

17 was taken?

18 And if it does, is that the kind of

19 information that Facebook uses to identify a user's

20 location for use in core audience location 09:51:04

21 selection?

22 MR. BENJAMIN: Objection to form.

23 Compound. Vague. Scope.

24 THE DEPONENT: If someone makes a post,

25 they have connected to Facebook in some manner. We 09:51:19

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1 do use information about how someone connects to 09:51:23
2 Facebook to understand where they are, and that is
3 used also for ads.

4 Q. (By Ms. Weaver) And when you say "they
5 have connected to Facebook in some manner," what do 09:51:36
6 you mean?

7 A. I mean you have logged in or -- or you're
8 on a browser and you're using Facebook.

9 Q. And does Facebook distinguish, for core
10 audience location advertising, whether that photo 09:51:50
11 that was posted was marked public or private?

12 A. These are very different concepts.

13 The core audiences is simply how an
14 advertiser selects the parameter for their ad.
15 When we then determine if someone is eligible to 09:52:07
16 see that ad, whether they meet it, it is based on
17 people's activity on Facebook. And it's not
18 differentiated in public or private because, again,
19 that's not reflective of how someone's activity on
20 Facebook is categorized. 09:52:23

21 Q. With regard to the demographic age used
22 in core audiences, what is the information Facebook
23 uses to determine someone's age?

24 A. That's based on the -- the age they
25 provide at sign-up. So we require a user to 09:52:41

1 provide their age. And that's also what we use to 09:52:44
2 determine if they should see an ad.

3 Q. And how does Facebook determine user's
4 gender; the same answer?

5 A. Yeah. Yes. 09:52:54

6 Q. And roughly, currently [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MR. BENJAMIN: Objection to form and
10 scope. 09:53:16

11 THE DEPONENT: [REDACTED]

12 [REDACTED]

13 Q. (By Ms. Weaver) How -- what's your
14 understanding of [REDACTED]

15 [REDACTED] 09:53:27

16 MR. BENJAMIN: Objection --

17 THE DEPONENT: Again --

18 MR. BENJAMIN: -- to form and scope.

19 THE DEPONENT: [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 And to be clear, [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] 09:53:56

1 Q. (By Ms. Weaver) [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
4 A. [REDACTED]
[REDACTED] 09:54:17
6 Q. Yeah.
7 I'm just trying to establish how you came
8 to know and be competent to testify as you just
9 did.
10 A. [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
13 Q. And Facebook selected you as the
14 representative on that topic today, too, right?
15 A. On ad targeting and ad delivery, yes. 09:54:42
16 Q. Okay. Let's turn to detailed targeting.
17 What is detailed targeting, as you've
18 described it?
19 A. Detailed targeting is -- is how we,
20 again, segment for advertisers when they're setting 09:55:00
21 up their ads. It includes interests and behavior
22 options for targeting.
23 Q. And when was detailed targeting first
24 implemented at Facebook?
25 A. In the form of what it looks like today, 09:55:23

1 it would have been, I believe, between like 2010 -- 09:55:24
2 about 2010. That's -- that -- I think it is
3 important to note the evolution of what that looks
4 like in the UI has changed over time. But the idea
5 of having interests and behaviors, I think, was 09:55:42
6 about then.

7 Q. And what team and people were responsible
8 for commencing the detailed targeting at Facebook?

9 A. Our ads product team.

10 Q. And who was on the ads product team who 09:55:59
11 was part of that decision in 2010, if you know?

12 A. I don't know an individual from the ads
13 product team specifically who was part of that
14 decision.

15 Again, these are often large teams that 09:56:13
16 create road maps to -- to build the tools we offer
17 advertisers or any other product at -- at Facebook.

18 Q. Why did Facebook decide to engage in
19 detailed targeting on or around 2010?

20 A. One of our core goals is to ensure that 09:56:33
21 the advertising experience is interesting and
22 relevant to people. Enabling that is -- one way to
23 do that is to help understand what they might be
24 interested in. And then an advertiser can select
25 who they think the -- the audience that might be 09:56:50

1 most relevant for their product. 09:56:53

2 Interest, which is part of detailed
3 targeting, is an example of where that was to
4 further the goal of having more interesting ads
5 than if it was broadly targeted and relative -- 09:57:03
6 irrelevant to the person seeing it.

7 Q. And so how did detailed targeting help
8 accomplish that goal?

9 A. It enabled someone, an advertiser, to
10 select that they wanted to reach people who have an 09:57:21
11 interest in something based on continued engagement
12 with that topic.

13 Q. And specifically, what are the topics
14 available in detailed advertising -- let's start
15 with today -- at Facebook? 09:57:45

16 A. Within interests, there's -- there's
17 quite a few. I believe about 60,000 interests are
18 provided today. Those vary between hobbies, TV
19 shows, public figures.

20 Any number of topics that -- that we've 09:57:59
21 seen consistent engagement on that would be
22 relevant to reach someone because they're
23 interested in it.

24 Q. And how is this list of 60,000 provided
25 to advertisers? 09:58:11

1 MR. BENJAMIN: Objection -- objection to 09:59:30

2 form.

3 THE DEPONENT: An advertiser could email

4 that. It is not something that we implement.

5 Q. (By Ms. Weaver) And why is that? 09:59:38

6 A. The interests we provide are the areas

7 where we've seen continued engagement. It's not

8 based off of an advertiser, a somewhat ad hoc

9 advertiser request.

10 Q. Does -- so you've testified that to date 09:59:52

11 it's roughly 60,000 interest categories; is that

12 right?

13 A. Yes, that's correct.

14 Q. And can you describe over time perhaps

15 how that list has accrued? 10:00:09

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: The -- the list has --

18 like I was saying, is based on topics that we see

19 people engaging with. So we've both added and

20 removed interests over time to help ensure that 10:00:26

21 they remain relevant and actually useful for people

22 to see content they want to engage with and for

23 advertisers to reach audiences that they're trying

24 to reach.

25 Q. (By Ms. Weaver) So is that based on both 10:00:43

1 input from advertisers and internal Facebook 10:00:45
2 analyses?

3 A. It's not based on input from advertisers
4 in the example we gave about an email.

5 But if we understand that there is high 10:01:02
6 demand to -- to reach people interested in

7 entertainment and we see that that is something
8 that people engage with, it -- it could be an area

9 we expand into. That's relatively common. And --
10 and like market research, to understand like what 10:01:20

11 is a useful tool.

12 Q. And when you say "we understand that
13 there is high demand," you mean that advertisers
14 are interested in certain categories and will pay
15 Facebook for that; is that fair? 10:01:35

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: It's that we want to build
18 tools that actually enable an advertiser to create

19 an ad and also that is relevant to people. And so
20 we do that the way many products are developed, 10:01:51

21 through market research, understanding what people
22 need. And then also what -- what we would or
23 wouldn't be able to provide.

24 Q. (By Ms. Weaver) Are there any other
25 inputs into creating the interest categories that 10:02:08

1	you can refer to?	10:02:10
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2 MR. BENJAMIN: Objection to form. Vague.

3 THE DEPONENT: It's -- again, it's based

4 on our understanding of what is -- would be a

```
5 | useful addition. We haven't added new interests 10:02:23
```

6 recently. It's -- because the interest list is

7 relatively stable at this point.

8 You could imagine a scenario where if

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9   there is a new TV show, it might make sense to add
```

10 that in based on the engagement we're seeing. But 10:02:39

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11 |         that would be an example of how the process occurs.
```

12 Q. (By Ms. Weaver) And when you say "useful

13 addition," you mean useful for purposes of

14 advertising; is that right?

15	A. Both for advertisers to reach a relevant	10:02:55
----	---	----------

16 audience and for people to see ads that are

17 interesting and relevant to them.

18 Q. And how does Facebook determine what

```
19 | users think is interesting and relevant to them?
```

20 A. Our interests are based on activity on 10:03:12

21 Facebook. For example, continuous engagement with

22 | a topic. So if I like many pages about interior

23 design, you might assign -- you might say that I'm

24 interested in interior design, and that would be an

25	interest. So it's that type of topic-based	10:03:31
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1 understanding. 10:03:35

2 Q. Does Facebook also record users' viewing
3 of videos?

4 A. We determine just -- sorry.

5 MR. BENJAMIN: Objection to form. 10:03:51

6 THE DEPONENT: We -- if a page posts a
7 video and someone interacts with it, including
8 viewing it, we would consider that an interaction
9 with that page and the content of that page.

10 So going back to the -- somewhat random 10:04:05
11 interior design example, if there is an interior
12 design page and I like it, I follow it, and I watch
13 the videos on that page, that could contribute to
14 my interactions with that page, yes.

15 Q. (By Ms. Weaver) Does Facebook track how 10:04:22
16 long users have watched a specific video?

17 MR. BENJAMIN: Objection to form and
18 scope.

19 THE DEPONENT: We do. It's not a
20 specific piece of information that -- that I -- I 10:04:39
21 don't think that there is a specific threshold in
22 that scenario that we leverage for like ads
23 interests, if that's what -- yeah.

24 Q. (By Ms. Weaver) So to determine what
25 categories are targeted, Facebook also looks at 10:05:04

1 users' activity to determine whether or not those 10:05:08
2 categories would exist in the first place; is that
3 fair?

4 MR. BENJAMIN: Objection to form.

5 THE DEPONENT: I'm sorry. I think I -- I 10:05:18
6 need you to clarify a little bit on the question.

7 Q. (By Ms. Weaver) No problem.

8 We're discussing how these 60,000
9 interest categories were created, right?

10 A. Yup. 10:05:30

11 Q. And one component was whether or not
12 there's high demand because advertisers are
13 interested in it, right?

14 A. Based on our market research, yes.

15 Q. And another component is whether or not 10:05:41
16 users are seeing the ads Facebook thinks they would
17 like to see, correct?

18 A. Another -- for interest creation,
19 specifically?

20 Q. Sure. 10:05:57

21 A. We -- in order to generate interests, we
22 determine what are the topics that people engage
23 with to -- and like, what are groups -- like
24 content on pages, con- -- classification, those
25 topics that people have engaged with. 10:06:15

1 If there is a topic that nobody is 10:06:19
2 engaging with, it wouldn't have been something we
3 came up with because it is based on -- on
4 understanding the topics that people engage with to
5 provide an interest. 10:06:31

6 Q. So is it fair to say that Facebook
7 analyzes users' activity to determine what
8 categories of interests are available for
9 advertisers to target them; is that fair?

10 A. At the -- 10:06:46

11 MR. BENJAMIN: Objection -- objection to
12 form.

13 THE DEPONENT: It's fair to say that we
14 look at the content people engage with to determine
15 their interest. And those can include them in an 10:06:59
16 interest that we also provide to advertisers when
17 they're setting the parameters for their audience.

18 Q. (By Ms. Weaver) Okay. In general, can
19 you identify, roughly, how many of these interest
20 categories for detailed targeting that were 10:07:22
21 available in 2012?

22 A. Roughly, several hundred thousand.

23 Q. In 2012, there were several hundred
24 thousand and today there are 60,000?

25 A. Correct. 10:07:45

1 Q. So over time, the number of interest 10:07:46
2 categories has decreased rather dramatically; is
3 that right?

4 MR. BENJAMIN: Objection to form.

5 THE DEPONENT: It has decreased over -- 10:07:56
6 over a number of years and we have both added in
7 and removed interests.

8 Q. (By Ms. Weaver) Does Facebook have a
9 record of the categories for interest targeting,
10 for detailed targeting that were available in 2012? 10:08:09

11 A. So because our system has evolved, I --
12 there isn't a comprehensive or day-by-day view of
13 all the interests. We know what -- what is
14 provided in the product today and I -- there
15 isn't a -- a full list over many years. 10:08:34

16 Q. Is it possible to roughly piece together
17 what those categories are over time?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: Not with very high
20 accuracy. 10:08:53

21 Q. (By Ms. Weaver) Did Facebook tell users
22 in 2010 what interest categories it was making
23 available to advertisers for detailed targeting?

24 A. Users can access the -- the ads manager.
25 It's a self-serve. Everybody is able to see 10:09:19

1 THE DEPONENT: Today users can see the 10:10:38
2 interest they are associated with. And we've had
3 that for a number of years.

4 Q. (By Ms. Weaver) And when did that
5 commence? 10:10:47

6 A. 2014, where we launched our ad
7 preferences.

8 Q. And beginning in 2014, could users see
9 all of the interests that they were actually
10 targeted for? 10:11:00

11 A. They could see the interests that were
12 associated with them, that they were part of, that
13 were being used by advertisers.

14 Q. And could they see all of those interests
15 or was it just a -- an overview? 10:11:14

16 A. Do you mean immediately at launch or over
17 time?

18 Q. At any point in time.

19 MR. BENJAMIN: Objection --

20 THE DEPONENT: Yes. 10:11:28

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: I -- over the years and
23 today, a user can open ad preferences and see all
24 of the interests that are associated with them that
25 are available for targeting. 10:11:42

1 Q. (By Ms. Weaver) And when did that 10:11:45
2 functionality first become effective, which is to
3 say, that a user could view every single interest
4 for which they have been targeted for detailed
5 advertising? 10:11:56

6 A. In 2014, we launched ad preferences. It
7 began with the interests that were actively being
8 used, so that had an ad running against them, and
9 then rolled out to include all interests that were
10 targetable. 10:12:13

11 That would have been likely over the
12 course of 2014. I don't know the exact month.

13 Q. And does Facebook generate interest
14 categories based on off-platform activity?

15 A. Interest are based on on-site activity. 10:12:29

16 Q. Only on platform?

17 A. Yes.

18 Q. Does -- do users have the capability to
19 decline being targeted for a specific interest?

20 A. Yes. 10:12:48

21 Q. And when was that first implemented?

22 A. In 2014.

23 Q. And how does Facebook enforce that a user
24 is not targeted based on a specific interest?

25 A. When a user chooses to remove themselves 10:13:08

1 from an interest, they are no longer included in 10:13:11
2 that interest. And so any ad that has that
3 interest, as part of their audience parameters, the
4 user would not be included in that audience.

5 Q. And are you familiar with the concept of 10:13:24
6 opt in versus opt out?

7 A. Yes.

8 Q. And what's your understanding of what
9 those words mean?

10 A. It -- my understanding would be that the 10:13:36
11 choices either you are in it and you are -- you're
12 given the opportunity to opt out. So you're making
13 a choice to remove yourself from a state where
14 you're in it. And then opt in would be the
15 opposite, you're not in it and you're given the 10:13:50
16 choice to enter.

17 Q. And why did Facebook decide that users
18 should opt out rather than opt in to interests for
19 detailed targeting?

20 A. We understand that people want to see 10:14:03
21 relevant ads. It is part of the experience on
22 Facebook. Otherwise they would see irrelevant ads.
23 Interest is one way to do that. And so we provided
24 people with interests and gave them the opportunity
25 to see those interests and then remove themselves. 10:14:18

1 Q. Are you aware of internal studies at 10:14:22
2 Facebook that concluded, in fact, users would
3 prefer to opt in as opposed to opt out?

4 MR. BENJAMIN: Objection to form and
5 scope. 10:14:35

6 THE DEPONENT: For ads, I'm not aware of
7 a study that specifically looks at an opt in versus
8 out opt preference for interests.

9 Q. (By Ms. Weaver) Are you aware of any
10 studies in general that discuss opt in versus opt 10:14:47
11 out preferences for users?

12 MR. BENJAMIN: Objection to scope.

13 THE DEPONENT: Across all of Facebook?

14 Q. (By Ms. Weaver) Well, you answered --
15 your answer was very specific and I'm trying to 10:14:59
16 understand why.

17 You said "For ads, I'm not aware of a
18 study that's specifically looks at opt in or opt
19 out" for ads interest.

20 So I'm just trying to ask, are you aware 10:15:10
21 of a study discussing opt in or opt out in general?

22 MR. BENJAMIN: Objection --

23 THE DEPONENT: No.

24 MR. BENJAMIN: Objection to scope.

25 MS. WEAVER: Let's go off the record real 10:15:32

1 quick. I'll fix it. 10:15:34

2 (Court Reporter initiates discussion off
3 the record.)

4 THE VIDEOGRAPHER: Okay. We're off the
5 record. It's 10:15 a.m. 10:15:36

6 (Recess taken.)

7 THE VIDEOGRAPHER: Okay. We're back on
8 the record. It's 10:16 a.m.

9 Q. (By Ms. Weaver) Are you aware of
10 internal discussions at Facebook in regard to 10:17:00
11 whether or not users would want to opt in or opt
12 out to certain kinds of detailed targeted
13 advertising?

14 MR. BENJAMIN: Objection to scope.

15 THE DEPONENT: I am not aware of 10:17:12
16 discussions on those preferences.

17 Q. (By Ms. Weaver) Do you know how the
18 decision was made that Facebook would require users
19 to opt out, rather than opt in, to interest
20 categories of detailed targeted advertising? 10:17:26

21 MR. BENJAMIN: Objection to form. Vague
22 and scope.

23 THE DEPONENT: The product was built
24 because we knew these -- or because these were
25 areas that people had already engaged with. And we 10:17:44

1 knew that they were interested within them. And so 10:17:46
2 the control reflects that by giving them the
3 ability to remove themselves from it. It was by
4 design.

5 Q. (By Ms. Weaver) So in the beginning, do 10:17:56
6 you know how many users reviewed the hundreds of
7 thousands of interest categories and deselected
8 themselves?

9 MR. BENJAMIN: Objection to form.

10 THE DEPONENT: Just to be clear, each 10:18:13
11 user was not associated with all the interest
12 categories. They wouldn't -- there -- it wouldn't
13 have been that they had hundreds of thousands of
14 their interests.

15 Once we rolled out ad preferences, I -- I 10:18:26
16 don't know the exact number of users who -- who
17 chose to remove themselves from an interest when that
18 was rolled out.

19 Q. (By Ms. Weaver) Can you identify anyone
20 you're aware of who has ever chosen to engage in 10:18:40
21 that process?

22 MR. BENJAMIN: Objection to form and
23 scope.

24 THE DEPONENT: Do you mean specifically
25 to remove themselves from an interest? 10:18:56

1 Q. (By Ms. Weaver) Yeah. Yes. 10:18:58

2 A. [REDACTED]

3 Q. [REDACTED]

4 [REDACTED]

5 MR. BENJAMIN: Objection to form and 10:19:08

6 scope.

7 THE DEPONENT: [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. (By Ms. Weaver) Does Facebook maintain
14 statistics on how many users have gone to the "why
15 am I seeing this page"? 10:19:31

16 A. Yes.

17 Q. And where are those statistics?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: We would log those [REDACTED]

20 [REDACTED] 10:19:48

21 Q. (By Ms. Weaver) And when you say "We
22 would [REDACTED]" what do you mean?

23 A. I mean when someone uses one of the
24 drop-down menus such as a hide ad, or why am I
25 seeing this, we know -- or we log that that action

10:20:04

1 has been taken. 10:20:08

2 Q. And for what time period has that
3 activity been [REDACTED]

4 MR. BENJAMIN: Objection to form. Vague.

5 THE DEPONENT: Over -- we -- we log -- 10:20:25
6 have logged that activity -- that's -- I -- since
7 WAIST launched.

8 Did -- is that -- does that answer your
9 question?

10 Is that what you were asking? 10:20:37

11 Q. (By Ms. Weaver) When you say "since we
12 launched," you mean 2007 or 2014?

13 A. WAIST launched in 2014. Why Am I Seeing
14 This was launched in 2014.

15 Q. Oh. 10:20:53

16 A. And so once it became a product, we began
17 to log when -- when someone would access it.

18 Q. So for the record, you're using an
19 acronym, WAIST, which stands for Why Am I Seeing
20 This; is that right? 10:21:06

21 A. Yes. Correct.

22 Apologies. I thought I defined it
23 earlier. That's my mistake.

24 Q. Perhaps I missed it.

25 Okay. Are there other activities that 10:21:16

1 users engage in that affect whether or not they are 10:21:25
2 targeted by certain interests that are [REDACTED]

3 [REDACTED]
4 MR. BENJAMIN: Objection to form.

5 THE DEPONENT: Interests are based on 10:21:41
6 people's activity. So for example, if they
7 consistently engage with a page or ad, or any form
8 of like aggregated continuous engagement with a
9 topic is what adds someone to an interest. If they
10 weren't doing that, then they wouldn't be added to 10:21:57
11 it.

12 So the people's page -- page likes are
13 logged [REDACTED] And that's an example of activity
14 that would also contribute to an interest.

15 Q. (By Ms. Weaver) In addition to page 10:22:17
16 likes, what other kinds of activities are [REDACTED]

17 [REDACTED] about users that you're aware of?

18 A. For interests?

19 Q. In general. For interest. And, yes, in
20 general. 10:22:30

21 A. Again, people's activity on the platform
22 is [REDACTED]. So if I had a friend or if I
23 add something to my profile, that's something we
24 store [REDACTED]

25 Q. Do you count Facebook Messenger activity 10:22:48

1 as activity on the platform in your answers? 10:22:52

2 A. Yes.

3 Q. Are -- where are users' Facebook
4 Messenger messages logged?

5 MR. BENJAMIN: Objection to form and 10:23:04
6 scope.

7 THE DEPONENT: This is pretty far outside
8 of ad specific.

9 The fact that someone uses Messenger is

10 [REDACTED] I think that that's what you're 10:23:17
11 getting at. And if they initiate threads, it would
12 be logged there, too.

13 Q. (By Ms. Weaver) And when you say "they
14 initiate threads," what do you mean?

15 A. If I create -- 10:23:30

16 MR. BENJAMIN: Objection to scope.

17 THE DEPONENT: Creating a thread with
18 Matt, for example, would be something that we log.

19 Q. (By Ms. Weaver) And so what does the log
20 reflect? 10:23:40

21 Does it reflect the whole thread or just
22 the fact that a thread was initiated at a certain
23 time with certain users?

24 MR. BENJAMIN: Objection to form and
25 scope. 10:23:52

1 THE DEPONENT: This is something I don't 10:23:54
2 know. This is pretty far outside ads.
3 Q. (By Ms. Weaver) So this activity for
4 Facebook Messenger is used to create interests
5 in -- used in any form of advertising, not just 10:24:05
6 limited to detailed interests but in general?
7 MR. BENJAMIN: Objection to form.
8 THE DEPONENT: To separate out the
9 portions of that question, interests are based on
10 activity on the platform. But page and ad 10:24:21
11 activity, Messenger is not part of that for
12 interests.
13 Generally, across ad delivery, we use
14 information about how people use Facebook to inform
15 what ad to show them. So if we know that someone 10:24:37
16 has consistently messaged pages, we might be more
17 likely to show them an ad that is -- has a message
18 objective.
19 So I think that answer -- is that what
20 you're getting at? 10:24:55
21 Q. (By Ms. Weaver) Yes, that's exactly it.
22 Does Facebook also look at the content of
23 Messenger messages to determine what interests
24 users might have to target them?
25 A. No. 10:25:07

1 Q. And has Facebook ever done that? 10:25:08

2 A. No.

3 Q. But if they message about a page, or a
4 group, would that information be used to target
5 them? 10:25:21

6 A. Would you mind clarifying what you mean
7 by "message about."

8 Q. Well, you testified -- so if we know that
9 somebody has consistently messaged -- messaged
10 pages, what did you mean? 10:25:35

11 A. I meant specifically reached out to a
12 page via Messenger.

13 Q. Okay. And would that also -- is that
14 also true for groups?

15 A. You can't message a group -- 10:25:46

16 Q. Okay.

17 A. -- or the -- let me make sure that
18 we're -- we're kind of talking this -- about the
19 same thing.

20 So the group product, which is this is a 10:25:55

21 group on Facebook and I join it, that isn't
22 connected in -- in the -- I think in the way that
23 you're thinking about it with Messenger. You don't
24 message into a group in the same way. And we don't
25 use message content from like between friends to 10:26:15

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1 inform an ad. 10:26:17

2 Q. What if you're -- so if you referenced a
3 page in the Messenger communication, Facebook will
4 use that information, correct?

5 A. Between -- no. It is specifically if I, 10:26:30
6 Bella, choose to message Nike's page, we would know
7 that I interacted with that page. And that is
8 something that can inform my ads because it's an
9 interaction with a page.

10 Q. Understood. 10:26:46

11 Does Facebook use information in Facebook
12 messages to calculate users' desire to be targeted
13 with a certain kind of ad?

14 MR. BENJAMIN: Objection to form.

15 THE DEPONENT: The content of a message 10:27:21
16 between friends on -- through Messenger is not used
17 to inform ads. It would not be used to predict
18 someone's interest or whether or not they want to
19 see an ad.

20 Q. (By Ms. Weaver) Do you know if it's used 10:27:35
21 for research?

22 MR. BENJAMIN: Objection to form and
23 scope.

24 THE DEPONENT: I do not.

25 Q. (By Ms. Weaver) And why isn't the 10:27:49

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1 content of a message not used to inform ads? 10:27:50

2 A. We haven't historically used it. It's
3 not an area we've -- we've explored. So it's not
4 part of why we -- the signals we use for ads.

5 Q. Does Facebook consider whether or not 10:28:10
6 Facebook Messenger messages might be considered
7 private by users in making a decision not to use it
8 to target users and ads?

9 MR. BENJAMIN: Objection to form and
10 scope. 10:28:23

11 THE DEPONENT: That's not the framing
12 we've used. We haven't used Messenger content.
13 It's not something that we've explored for -- to --
14 to incorporate into ads.

15 Like I said, we use interactions with 10:28:38
16 pages and ad content to inform ads interests and
17 then activity generally on the platform.

18 Q. (By Ms. Weaver) And I'm trying to
19 understand why Facebook does not use Messenger
20 messages to frame interest-based targeting of 10:28:53
21 users.

22 MR. BENJAMIN: Objection to form and
23 scope.

24 MS. WEAVER: I'll reask the question.

25 Q. (By Ms. Weaver) So can you explain why 10:29:08

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1 Facebook does not use Facebook Messenger 10:29:09

2 information to target users with ads?

3 MR. BENJAMIN: Objection to form. Asked

4 and answered. And outside the scope.

5 THE DEPONENT: It -- it hasn't been an 10:29:20

6 area that we've built out. It hasn't been proven

7 to be something that we want to do or is valuable.

8 We have so far built our interests off of

9 engagements -- engagement and interactions with

10 pages and ads, and the information people provide 10:29:36

11 us.

12 Q. (By Ms. Weaver) When you say "It hasn't

13 been proven to be something that we want to do or

14 is valuable," how did Facebook prove that?

15 A. Like I said, we haven't. 10:29:49

16 Q. Is -- has Facebook engaged in any

17 analysis as to whether or not using information

18 shared by users in Facebook Messenger would be

19 valuable in identifying their interests?

20 A. No, not that I'm aware of. 10:30:07

21 Q. Do you think a consideration that

22 Facebook might engage in is whether or not using

23 information from Facebook Messenger messages would

24 invade users' privacy expectations?

25 MR. BENJAMIN: Objection to -- 10:30:33

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1 THE DEPONENT: You said -- 10:30:33

2 MR. BENJAMIN: Objection to form. Calls
3 for speculation. Vague. Outside the scope.

4 THE DEPONENT: Across the board, we think
5 about whether people have specific expectations, 10:30:47
6 whether or not this is something that they would
7 understand or not. That -- that's a consideration
8 always.

9 Q. (By Ms. Weaver) And I'm asking
10 specifically about Facebook Messenger and whether 10:30:59
11 you believe that Facebook considered whether or not
12 allowing information communicated in Facebook
13 Messenger messages to be used for advertising or
14 other purposes would invade users' expectations of
15 privacy? 10:31:18

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: We haven't speculated
18 about any specific users and whether or not they
19 would find that to be an invasion of privacy.

20 We use activity on the platform, like 10:31:31
21 pages and ads, to inform interests, and the ads
22 people see. And -- and that -- and that's what
23 we're transparent about to users.

24 Q. (By Ms. Weaver) I'm still not just
25 getting an answer to the specific question. 10:31:50

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1 Can you state one way or another whether 10:31:52
2 or not Facebook considered users' expectations of
3 privacy in Facebook Messenger messages in
4 determining whether or not to use information
5 contained in them to target users with ads? 10:32:03

6 A. What I'm struggling with is this assumes
7 that there was a specific decision. And my point
8 is that it has -- this is -- the content of ads --
9 of -- of messages is not used in ads. We use other
10 activity on the platform. 10:32:21

11 Q. And how does Facebook decide what
12 activity on the platform it is using for ads?

13 A. There are a number -- I mean, we're --
14 we're trying to build a system that delivers ads
15 that people are interested in. 10:32:43

16 One of the things we've seen that -- that
17 is useful and that we use are people's engagement
18 with pages and ads, and their activity that shows
19 what they might want to see more content of.

20 And so when we introduce interests, as an 10:32:58
21 example, that explored aggregating that engagement
22 to be a topic-based and -- and similarly, like as
23 product -- as -- as teams think about the future of
24 what ads look like, they would look at market and
25 industry practices and what people want to see and 10:33:18

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1 how we could help enable that. I don't think that 10:33:21

2 there's a set framework.

3 MS. WEAVER: Okay. I'm going to move

4 into another topic. We could take a break now or

5 we can continue. 10:33:41

6 It's up to you, Ms. Leone. I don't know

7 how you're feeling.

8 THE DEPONENT: I'm happy to keep going.

9 MS. WEAVER: Okay.

10 THE DEPONENT: And I might ask for a 10:33:50

11 break in like 20 minutes, but -- so I don't know

12 what everyone's time zones are --

13 MS. WEAVER: Let's break now.

14 THE DEPONENT: Okay.

15 MS. WEAVER: Let's break now and then 10:33:55

16 we'll come back.

17 THE DEPONENT: Cool.

18 MS. WEAVER: Great. Thank you.

19 THE VIDEOGRAPHER: Okay. Off the record.

20 It's 10:34 a.m. 10:34:02

21 (Recess taken.)

22 THE VIDEOGRAPHER: Okay. We're back on

23 the record. It's 10:49 a.m.

24 Q. (By Ms. Weaver) Ms. Leone, you're still

25 under oath, correct? 10:49:45

1 A. Correct. 10:49:46

2 Q. A quick question about WAIST, or the Why
3 Am I Seeing This tool.

4 Is it your testimony that it lists
5 interests for which you have been targeted and then 10:50:00
6 you can opt out?

7 A. WAIST shows you the criteria that you
8 matched from the audience selections that the
9 advertiser made. So it will show you for that
10 specific ad what you matched. And if one of those 10:50:14
11 are interests, it would show there. And then you
12 would be able to also remove yourself from that
13 interest.

14 Q. So you can only remove yourself if you've
15 already been matched, correct? 10:50:26

16 MR. BENJAMIN: Objection to form.
17 Misstates.

18 THE DEPONENT: For Why Am I Seeing This,
19 the goal of that tool is to provide people an
20 understanding of how the advertiser reached them. 10:50:38
21 And so there it is based on -- in that interface,
22 it's based on that interest that was matched.

23 In ad preferences, we provide people with
24 the interest they are targetable through. And
25 those are -- it's not based on any one specific 10:50:54

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1 advertiser using it. 10:50:57

2 Q. (By Ms. Weaver) So a user would have to
3 go to those two different locations. One to
4 disable when they have already been matched, and
5 then go to a different location to say general 10:51:08
6 categories, I maybe don't want to be targeted for;
7 is that right?

8 MR. BENJAMIN: Objection to form.

9 THE DEPONENT: The -- the tools are
10 for -- provide different purposes because a user 10:51:21
11 might want transparency and control for different
12 reasons at different times.

13 When someone sees an ad, they might look
14 at the ad and say, literally, why am I seeing this,
15 hence, the name of the -- the -- the menu that 10:51:34
16 explains that to them, and then the relevant
17 control for that transparency.

18 Ad preferences is a central hub where
19 someone can manage their ad settings. And that
20 includes the interest they can be reached through 10:51:47
21 and then the ability to remove themselves from it.

22 So they're serving different purposes,
23 which is why they look different and their entry
24 points to both of them from the ad, from WAIST or
25 from our settings and other menus. 10:52:02

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1 Q. (By Ms. Weaver) Right. So I wasn't 10:52:05
2 asking about the purpose.

3 My question is, if a person wanted to
4 prevent receiving any kinds of ads, they would
5 have -- at a minimum, to go to these two different 10:52:14
6 locations and review at WAIST what had already
7 occurred to stop it from happening again. And then
8 in ad preferences make selections to prevent other
9 kinds of advertising; is that fair?

10 MR. BENJAMIN: Objection -- 10:52:32

11 THE DEPONENT: No.

12 MR. BENJAMIN: -- to form. Misstates.

13 THE DEPONENT: No, that -- that's not
14 quite what I said.

15 Q. (By Ms. Weaver) I -- I know it's not 10:52:38
16 what you said. But I'm asking a different question
17 than your last answer.

18 Is it true that to prevent the kind of
19 targeting we've been discussing, at a minimum, a
20 user would have to go to both of these sites? 10:52:48

21 A. No. They could -- they -- first and
22 foremost, there's no way to turn off ads on
23 Facebook. That's not a setting anywhere. We
24 don't -- we -- we show ads in order to provide a
25 free service. 10:53:06

1 Users can manage their ad experience 10:53:08
2 through ad preferences, and that can be a starting
3 point for managing their ad experience.

4 The reason the purpose for each interface
5 is important is because WAIST is solving -- Why Am 10:53:20
6 I Seeing This -- is solving a very specific user
7 need, which is, when they see an ad, they want to
8 understand how they were reached.

9 They don't have to wait to see an ad and
10 click on Why Am I Seeing This in order to access 10:53:34
11 their ad preferences, which are available to them
12 and where they can manage their -- the settings for
13 their ads as a central hub.

14 Q. Does the --

15 A. So they do not need to access both. 10:53:46

16 Q. Does the ad settings list all of the
17 60,000 interest categories used for detailed
18 targeting?

19 A. No --

20 MR. BENJAMIN: Objection to form. 10:53:56

21 THE DEPONENT: -- because --

22 MR. BENJAMIN: Objection to form.

23 THE DEPONENT: No, because they are not
24 all associated with any individual user.

25 Q. (By Ms. Weaver) Yes, but in order to 10:54:06

1 proactively say I do not want to receive this ad, 10:54:07

2 wouldn't a user have to be able to opt out of it?

3 MR. BENJAMIN: Objection to form.

4 THE DEPONENT: An interest -- for -- just

5 to -- to underline, the removal from an interest is 10:54:22

6 not about seeing an ad or not. It's about the way

7 that an advertiser could reach you through that

8 interest.

9 I think we discussed before that is

10 something that you're in the interest and you can 10:54:35

11 remove yourself. It's not a -- an opt in -- or a

12 future -- looking for future things that you engage

13 with.

14 Once you've engaged with content and you

15 become associated with an interest, someone can go 10:54:49

16 and remove themselves from it.

17 Q. (By Ms. Weaver) Is there anywhere on the

18 platform that -- well, strike that.

19 Let's move on.

20 You identified two subcategories of 10:55:08

21 detailed targeted advertising.

22 One was interests and the second was

23 behavioral, correct?

24 A. Behaviors, yes.

25 Q. Behaviors. 10:55:18

1 What do you mean by behaviors? 10:55:19

2 A. Behaviors are -- are targeting options
3 based on activity on Facebook that indicate -- that
4 are -- are closer to things like people's intent to
5 purchase. Their -- the way they interact with 10:55:33
6 commercial entities. So are they often -- are they
7 game -- gamers.

8 And so behavior clusters are -- are just
9 slightly different from interests which are more
10 topic-based. 10:55:46

11 Q. And how does Facebook infer intent?

12 A. Similar to -- to interest. It's based on
13 activity.

14 So as an example, if I consistently click
15 on an ad, I am more likely to click on future ads. 10:56:00
16 We would consider my behavior to be different from
17 someone who never engages with one.

18 Q. Can you explain the difference between a
19 behavior and an interest, in terms of --

20 MR. BENJAMIN: Objection -- 10:56:23

21 Q. (By Ms. Weaver) -- how Facebook makes
22 the determination for a user?

23 MR. BENJAMIN: Objection to form.

24 THE DEPONENT: I think what you're asking
25 is how do we wire these two separate things; is 10:56:35

1 that -- 10:56:40

2 Q. (By Ms. Weaver) I'm just asking what the
3 difference is between them.

4 A. So the difference is that interests are
5 topic-based; whereas, behaviors are more 10:56:46
6 activity-based and we're categorizing the activity
7 more so than the topic of the engagement.

8 Q. Aren't the topics derived from activity?

9 A. Yes, they -- they are derived from
10 activity, but our -- how we have categorized it. 10:57:01

11 So as an example here, an interest could
12 be that I engaged with many pages about interior
13 design. We'll use that example again, which I'm --
14 is a silly one. And so I -- I'm interested in
15 interior design because I consistently engaged with 10:57:21
16 pages about it.

17 A behavior could be that I have -- I
18 often will buy something online. So I click and I
19 buy something. And so I have an intent to buy
20 things, regardless of what the topic was of what I 10:57:38
21 was buying.

22 It's how we've tried to distinguish
23 those. They represent different dimensions of
24 people's activity and also different dimensions of
25 what -- how an advertiser might want to define 10:57:50

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1 their audience topic-based and behavior-based. 10:57:53

2 Q. And are there categories of behaviors
3 that Facebook uses to define users to make
4 available for advertising?

5 MR. BENJAMIN: Objection to form. 10:58:07
6 Misstates.

7 THE DEPONENT: There's the -- the
8 targeting options are our categories of behaviors.

9 Q. (By Ms. Weaver) And what are those
10 targeting options? 10:58:20

11 A. There's a number. So I think I used a
12 gamers example. They're all available in ads
13 manager as behaviors.

14 Q. And currently, how many behaviors are
15 there? 10:58:34

16 A. There's several hundred.

17 Q. And when were behavior targeting options
18 first implemented at Facebook?

19 A. I think a clarification here, which is
20 that the categorization, like those have been how 10:58:52
21 we've bucketed these over time. Any individual
22 option may have been added later or earlier. So I
23 think these came to be kind of this type of
24 targeting about 2010, perhaps a little bit earlier.

25 Q. And who specifically was involved in the 10:59:14

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1 development of behavior targeting? 10:59:17

2 A. Our ad product teams and their
3 cross-functional team.

4 Q. Can you identify anyone by name who was
5 involved in the development of behavior targeting? 10:59:29

6 MR. BENJAMIN: Objection to form and
7 scope.

8 THE DEPONENT: Not any one individual.

9 This is something -- again, it's like
10 been -- been iterated on and evolved over many 10:59:41
11 years by a very large product team.

12 Q. (By Ms. Weaver) And who's responsible
13 for it today?

14 A. Our ads product team.

15 Q. And who by name in ads products is 10:59:52
16 responsible for the development of behavior
17 targeting?

18 A. The head of our ad targeting team is
19 George Kamps.

20 Q. And how long has he held that position? 11:00:07

21 A. Several years. I -- I don't know the
22 exact date.

23 Q. And do you know who held the position
24 before him?

25 A. He's been involved for a while. I -- I 11:00:20

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1 don't know the predecessor before. I'm not sure if 11:00:24
2 there was a specific one team or if it was ads
3 product, which is an org that does this.

4 Q. How does Facebook create the targeting
5 opt in options in behavior targeting? 11:00:41

6 MR. BENJAMIN: Objection to form.
7 Misstates.

8 THE DEPONENT: We create those based on
9 people's activity.

10 Q. (By Ms. Weaver) Can you explain what you 11:00:59
11 mean?

12 A. I mean that when someone -- specific
13 activity on the platform will associate someone
14 with one of those defined behavior clusters.

15 Q. You previously testified that for 11:01:13
16 interest-based advertising a component was demand
17 for the -- the interest.

18 Do you recall that?

19 A. Are you being specific to advertiser
20 demand or the -- 11:01:25

21 Q. Yes.

22 A. -- fact that we've seen users engage with
23 that content --

24 Q. Right.

25 A. -- because -- 11:01:29

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1 Q. I'm trying to distinguish both. 11:01:30

2 So the question is, for behavior
3 targeting options, did Facebook also consider
4 whether demand by advertisers was high?

5 MR. BENJAMIN: Objection to form. 11:01:43

6 THE DEPONENT: Across the board, we would
7 look at things like the market demand and industry
8 standards to indicate what are areas that would be
9 useful tools.

10 Q. (By Ms. Weaver) How does Facebook assess 11:01:57
11 market demand and industry standards?

12 A. We can look at other ad products and
13 understand how those function and what they offer.
14 We had -- we can discuss with -- we can have
15 discussions with people who use our tools and 11:02:14
16 understand where there's a gap.

17 Q. And when you say "discussions with people
18 who use our tools," you mean advertisers?

19 A. Advertisers. Ad agencies.

20 Q. And just for the record, what is -- 11:02:27
21 strike that.

22 You've defined what an advertiser is, as
23 somebody who places an ad essentially on Facebook;
24 is that fair?

25 A. Uh-huh. 11:02:40

1 Q. So an advertiser could also be an app or 11:02:41
2 an app developer, or even Facebook, under that
3 definition, as long as it's somebody who placed an
4 ad on Facebook, right?

5 MR. BENJAMIN: Objection to form. 11:02:54

6 THE DEPONENT: So if -- if a developer
7 has an app and they want to advertise, and they
8 create and buy an ad, I would consider them an
9 advertiser.

10 Q. (By Ms. Weaver) Have you used or heard 11:03:11
11 use of the word "partner" at Facebook?

12 THE DEPONENT: Like a capital P partner
13 in a sense of --

14 Q. (By Ms. Weaver) Yes.

15 A. -- like a designated title -- 11:03:23

16 Q. Yeah.

17 A. -- or what do you mean?

18 Q. Like facebook partners. If somebody
19 said, "Oh, this is one of Facebook's partners,"
20 would you know what that means? 11:03:29

21 A. Yeah. Colloquially that often means --
22 like when we're using it, it often means that
23 someone is an advertiser.

24 Q. Okay. When targeting options for
25 behavioral advertising was launched, on or around 11:03:52

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1 2010, how many categories were there? 11:03:55

2 A. I don't know the initial size.

3 Q. Do you know -- again, can you describe
4 the growth over time or decrease over time?

5 A. It -- it would have been several hundred 11:04:06
6 thousand -- oh, sorry.

7 Specific to behaviors?

8 Q. Yeah.

9 A. That would have been several hundred,
10 maybe -- maybe a couple thousand. It was a smaller 11:04:16
11 number. And that's -- that's -- it -- it is
12 similar now as several hundred.

13 But, again, both with like -- as we've
14 iterated our product, we have both added in and
15 removed. 11:04:31

16 Q. And how would one create a summary or
17 overview of the kinds of behavioral targeting
18 options that have been available at Facebook over
19 time?

20 MR. BENJAMIN: Objection to form. 11:04:47

21 THE DEPONENT: There would be -- do you
22 mean at like -- a category-by-category type of --

23 (Simultaneously speaking.)

24 Q. (By Ms. Weaver) Just -- yeah, an
25 identification of, you know, roughly from years 11:05:03

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1 2010 to 2014, here's a list of behavioral targeting 11:05:05
2 options that existed at some point.

3 A. Yeah. As I was saying, because the
4 system has evolved over time, I don't think that
5 there is a high accurate -- or high accuracy way 11:05:18
6 to -- to reconstruct that.

7 It would have to be an effort to
8 understand maybe like this launched at this point
9 so we generally understand that these were the
10 types of segments that were available or were 11:05:32
11 deprecated. So as an example when partner
12 categories were deprecated, we know they weren't
13 available in 2019 because they were deprecated in
14 2018.

15 Q. What did you mean by the word "segment" 11:05:45
16 when you said it?

17 A. That -- so apologies.
18 Interchangeable with a specific cluster
19 or option within behaviors.

20 Q. What's a cluster or an option? 11:05:55

21 A. And I can choose a specific word here
22 whatever -- and I'll stick with that one. But it's
23 for -- when you -- an advertiser goes in and
24 selects within the menu of options the one they
25 have selected. So I'll -- I'll use option moving 11:06:13

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1 forward. And it's the same thing as a specific 11:06:16
2 interest is one option. A specific behavior
3 segment is one option.

4 Q. And what are the specific kinds of
5 behaviors that are the data points used to create 11:06:31
6 targeting options?

7 A. So we take -- to clarify, we take
8 activity on Facebook. The information people
9 provide us. And that can associate -- and that is
10 how they become associated with a behavior option 11:06:50
11 that then is also a targeting parameter for
12 advertisers to select.

13 Q. And what specific activity on Facebook?

14 A. Like I was saying, it could be page or
15 ads interactions. Information they provide us on 11:07:05
16 their profile. The way they engage with specific
17 types of content. So if they consistently click,
18 as an example, or if they're -- they don't click.
19 If they're -- those are some examples of activity.
20 But it's how people interact on the platform. 11:07:22

21 Q. Does it include how they interact with
22 their friends?

23 MR. BENJAMIN: Objection to form. Vague.

24 THE DEPONENT: I'll give an example
25 because I think that might help ground. And you 11:07:42

1 can let me know if that's close to what you're -- 11:07:44

2 what you mean.

3 We -- an example of something people

4 provide us in their profile is their hometown and

5 they -- we also -- they also can say their 11:07:55

6 family -- a relationship. So they can say I am

7 a -- I'm engaged or I'm in a relationship.

8 We could know from that information that

9 they are in a relationship. And that would be

10 what -- a type of targeting we offer. So that's an 11:08:13

11 example.

12 I'm not sure if that gets quite at what

13 you meant by friends interactions, where if you say

14 I am engaged, you might also list who you're

15 engaged to. That is a connection between people 11:08:23

16 and is something we use for ads.

17 Q. (By Ms. Weaver) Yeah. So you identified

18 two categories. You said one activity and two info

19 they provide. I wasn't asking about info they

20 provide. You just discussed it so set that aside. 11:08:39

21 I'm asking very specifically, what

22 activity on Facebook does Facebook use to create

23 the targeting options for behavioral advertising?

24 MR. BENJAMIN: Objection to form.

25 Argumentative. 11:08:56

1 Q. (By Ms. Weaver) It's not just limited to 11:08:58
2 groups or pages, is it?

3 A. It's not. And I --

4 MR. BENJAMIN: Sorry, Bella.

5 Objection to form. 11:09:04

6 THE DEPONENT: It's not. Another example
7 and another type of activity is how someone engages
8 on the platform. For example, they set a -- a life
9 event or they update their relationship status.

10 Q. (By Ms. Weaver) Does it include whether 11:09:24
11 or not, for example, they respond to certain kinds
12 of content posted by friends?

13 MR. BENJAMIN: Objection to form. Vague.

14 THE DEPONENT: Yes.

15 Q. (By Ms. Weaver) Does it include, for 11:09:40
16 example, how often they use Facebook Messenger?

17 A. The -- the -- again, similar to whether
18 or not -- like if you have ever used Facebook
19 Messenger, yes, could be something we use for ads.

20 Q. Does it include the content of users' 11:10:01
21 posts?

22 A. In Messenger or generally?

23 Q. Both.

24 A. Like I said before --

25 MR. BENJAMIN: Objection to form. 11:10:15

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1 THE DEPONENT: -- we don't use content in 11:10:16
2 message threads for ads. On posts, the content --
3 for example, if I -- if I post to a page that could
4 be used, if I engage with posts and the content of
5 those posts could be used, yes. 11:10:36

6 Q. (By Ms. Weaver) And that's without
7 regard to whether or not that content was marked
8 private or public, correct?

9 MR. BENJAMIN: Objection to form. Asked
10 and answered. Vague. 11:10:46

11 THE DEPONENT: We don't have a
12 distinction in that manner of public versus
13 private. That's not -- that doesn't quite
14 translate into our product in that manner.

15 Q. (By Ms. Weaver) And that's true for the 11:11:00
16 class period for the target options for behavioral
17 advertising, correct?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: Yes.

20 Q. (By Ms. Weaver) And you've identified 11:11:15
21 two categories. Users' activity -- well, strike
22 that.

23 Other than the content of Facebook
24 Messenger, is there any other activity on Facebook
25 that users engage in that is not used for the 11:11:29

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1 creation of targeting options for behavioral 11:11:33
2 targeting?

3 MR. BENJAMIN: Objection to form.

4 THE DEPONENT: I -- I -- I'm not sure
5 there's a way to categorize all of the data we 11:11:50
6 don't use. I -- I'm -- we can -- like discussing
7 the activity that is used, I don't know the full
8 extent of our entire product and all the data we
9 have to define what we don't use.

10 Q. (By Ms. Weaver) But as you sit here 11:12:10
11 today, you can't think of another category, other
12 than the content of Facebook messages, that is
13 categorically not used for behavioral targeting; is
14 that fair?

15 MR. BENJAMIN: Objection to form. 11:12:23

16 THE DEPONENT: No. Another example is
17 when someone enters a security phone number, we do
18 not use that for ads.

19 Q. (By Ms. Weaver) Okay. Anything else?

20 A. Not that I can come up with off -- off 11:12:37
21 the cuff. Again, like it's tough to think of
22 all -- potentially all activity and then carve it
23 out. I know what we do use for ads, which I've
24 described.

25 Q. Now, you've described -- so other than 11:12:52

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1 activity, and other than the information that users 11:12:54
2 provide in sign-up, for example, is there any other
3 data that Facebook uses to create behavioral
4 targeting options?

5 A. So over this period -- I think we're 11:13:12
6 familiar with partner categories. That's -- those
7 were created with data broker information.

8 We -- there's also activity off of
9 Facebook. So for -- from apps and websites, which
10 could be used for -- could be used in a -- a 11:13:30
11 targeting option.

12 Q. Anything else you can think of?

13 A. No. I mean, those are the classes of
14 data that -- or the categories of data that we use.

15 Q. How does Facebook use users' activity off 11:13:44
16 of Facebook to create targeting options used to
17 target users by third parties?

18 A. When we were discussing custom audiences,
19 this is an example of that. So an -- our business
20 tools, a website owner and an app owner can use 11:14:04
21 those tools to send information to Facebook about a
22 visit to their website. That information can help
23 them then reach back out to people who've already
24 visited their website. And we use it also to
25 personalize ads. 11:14:24

1 Q. Okay. That's custom audiences. 11:14:25

2 You said behavioral targeting is in a
3 different bucket, right?

4 A. Apologies.

5 Behaviors are a specific targeting option 11:14:33

6 we provide. Behavioral targeting is often used as
7 a way to describe overall personalization. It
8 sounds like -- I was responding to the second.

9 For behaviors, we also have used offsite
10 engagement in those. That -- over -- over the 11:14:47

11 course of this period. It could be very similar to
12 the options -- to -- to what I was saying about if
13 you consistently purchase on -- online, that could
14 be something that informs one of those options.

15 Q. And does Facebook collect the information 11:15:05

16 about users' off-platform activity through the use
17 of cookies or other trackers?

18 MR. BENJAMIN: Objection to form and
19 scope.

20 THE DEPONENT: For -- for ad use, we base 11:15:27

21 it off of the use of our business tools. So our
22 Pixel and app SDK.

23 Q. (By Ms. Weaver) And for the record, what
24 is Pixel?

25 A. Pixel is a cookie that is placed on a 11:15:42

1 website that communicates information back to 11:15:45

2 Facebook by the website owner.

3 Q. And when was Pixel first in use?

4 A. 20- -- for ads, 2014.

5 Q. Was it in use not for ads prior to that? 11:15:59

6 A. It was. It was something --

7 MR. BENJAMIN: Objection -- objection to
8 form and scope.

9 THE DEPONENT: It was something that
10 launched prior to that. But use for ads was in 11:16:10
11 2014.

12 Q. (By Ms. Weaver) And do you know what it
13 was used for prior to being used for ads?

14 MR. BENJAMIN: Objection to scope.

15 THE DEPONENT: It was used for website 11:16:25
16 owners to do analytics and understand more about
17 how their website was functioning.

18 I don't know more generally how -- or --
19 or in other specifics of how it was used.

20 Q. (By Ms. Weaver) And Pixel is in use 11:16:44
21 today; is that right?

22 A. Yes. Correct.

23 Q. And you referred to app SDK; is that
24 right?

25 A. Yes. 11:16:56

1 Q. What is that? 11:16:57

2 A. Similar. It's a way for a developer or
3 an app owner to provide information back to
4 Facebook about specific events in their app.

5 Q. And what specific kinds of information do 11:17:19
6 Pixel and app SDK communicate about users'
7 off-platform activity that is then used to target
8 them in behavior part of the options?

9 MR. BENJAMIN: Objection to form.

10 THE DEPONENT: So a -- a -- it -- the -- 11:17:39
11 I'm going to answer this in terms of how Pixel
12 functions. And I think that is --

13 Q. (By Ms. Weaver) Okay.

14 A. -- is probably what we're getting to.

15 The -- when -- the way a Pixel works is 11:17:58
16 that the business tool -- or the -- the person
17 who's using our business tool. So the website
18 owner sets it up and they translate back to us
19 contact information and event data.

20 The contact information is an identifier 11:18:14
21 which helps us understand who took that action and
22 we hash and match that on our platform.

23 The event is about a check-out, like
24 they -- they choose what -- what event they're
25 hoping to -- to have the Pixel transmit back. That 11:18:29

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1 could be something like they went to our menu. 11:18:34

2 They looked at our hours of operation. They
3 added -- added something to the cart, checked out.

4 We would receive both of those. And the
5 event information is what helps us understand the 11:18:46
6 activity and could help personalize an ad.

7 Q. So for example, if somebody goes onto a
8 website and puts something in a cart but doesn't
9 check out, does Facebook still receive the
10 information about what was sitting in the cart? 11:19:00

11 MR. BENJAMIN: Objection to form.

12 THE DEPONENT: There are different
13 concepts. The website owner has sent us
14 specifically an add-to-cart event. They could
15 separately send us a check-out event. Those are -- 11:19:15
16 are distinct.

17 Q. (By Ms. Weaver) Okay. But the answer
18 is, yes, Facebook could receive the information
19 about what was sitting in the cart but not
20 purchased; is that right? 11:19:25

21 MR. BENJAMIN: Objection to form.
22 Misstates.

23 THE DEPONENT: It is not about
24 understanding the -- the -- the flow, and all of
25 the purchases. It's about the event that the 11:19:38

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1 website owner chooses to send back and the 11:19:40
2 information they include and sending that back to
3 us.

4 Q. (By Ms. Weaver) Okay. And I'm being
5 very granular. But one of the events that 11:19:48
6 advertisers choose to send back is whether or not
7 something is sitting in a cart, but did not check
8 out; isn't that true?

9 MR. BENJAMIN: Objection to form.

10 THE DEPONENT: It's -- it's not that 11:20:03
11 they're sending us back didn't check out. They're
12 sending us back that someone added something to the
13 cart. It's a moment -- an event that is triggered,
14 not a subtraction of then whether or not check-out
15 happened. 11:20:18

16 Q. (By Ms. Weaver) I understand. We're
17 getting lost a little bit in semantics.

18 A. Okay.

19 Q. Let me ask it this way.

20 If I looked up my profile at Facebook and 11:20:24
21 had the internal tools, could I see instances of
22 where I had items in my cart but they weren't
23 purchased?

24 MR. BENJAMIN: Objection to form.

25 THE DEPONENT: Can you clarify what you 11:20:38

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1 mean your -- your profile and internal tools. 11:20:39

2 Q. (By Ms. Weaver) Okay. For -- let me
3 just ask this.

4 Does Facebook possess information about
5 users that would reflect instances where something 11:20:53
6 was sitting in their cart but not purchased?

7 MR. BENJAMIN: Objection to form.

8 THE DEPONENT: Not in the way that I
9 think you've conceptualized it --

10 Q. (By Ms. Weaver) Okay. 11:21:07

11 A. -- which is that there is a -- this item
12 was or was not purchased on a website.

13 We know if someone specifically -- if --
14 if a website owner passed us back Pixel, that the
15 check-out Pixel was fired, we would know that. 11:21:20

16 If the information passed back to us was
17 that the add-to-cart Pixel was fired, we would know
18 that. It's --

19 Q. Okay. That's all I was asking. Like --
20 okay. That's good. 11:21:34

21 Does Facebook inform users which third
22 parties are collecting information about them of
23 their off-platform activity through Pixel and app
24 SDK?

25 MR. BENJAMIN: Objection to form and 11:22:10

1 scope. 11:22:10

2 THE DEPONENT: The Pixel and app SDK and
3 the -- and the -- the -- and the websites and apps
4 that use those are shown to people in OFA, which is
5 our off Facebook activity tool. 11:22:29

6 Q. (By Ms. Weaver) Are all of them in OFA?

7 A. This is a little bit outside of ads. So
8 yes, my understanding is that they are. But not my
9 expertise.

10 Q. And how long has OFA been functional? 11:22:46

11 MR. BENJAMIN: Objection to form.

12 THE DEPONENT: I -- I believe we launched
13 OFA -- my personal recollection is that we launched
14 it between 2016 and 2018. But, again, somewhat
15 outside the scope of ads. 11:23:12

16 Q. (By Ms. Weaver) Okay. So we've now
17 identified three categories of data that can be
18 used to create the targeting categor- -- or options
19 in behavior advertising and that is, activity on
20 Facebook, information users provide and 11:23:27
21 off-platform activity.

22 Is there any other category of data not
23 included that we should be discussing?

24 A. No.

25 Q. Okay. Once Facebook has the data, how 11:23:39

1 does it create the inference of an intent or a 11:23:45
2 behavior?

3 MR. BENJAMIN: Objection to form.

4 THE DEPONENT: So I think what's
5 important to understand here is what we're trying 11:24:03
6 to do is understand if someone's previous
7 engagement or interest or behavior would predict
8 their future engagement or interest in behavior.

9 So to draw that out, that line pretty
10 clearly, if I consistently click on ads, we said 11:24:19
11 that would be an indication to us that I am likely
12 to click on ads.

13 So that is an example of where we are
14 taking someone's previous behavior to -- to
15 understand their future behavior. It -- 11:24:36
16 it's based -- it -- I think that answers your
17 question, just in terms of, it's not that it's like
18 a labeling exercise. It is a question of you --
19 you've previously engaged in this way and that
20 helps us understand how you might engage in the 11:24:53
21 future.

22 Q. (By Ms. Weaver) Is Facebook using
23 algorithms to predict the future behavior?

24 MR. BENJAMIN: Objection to form.

25 THE DEPONENT: Our ad delivery does 11:25:05

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1 include algorithms. They are machine learning 11:25:06
2 classifiers that help us estimate people's future
3 behavior.

4 Q. (By Ms. Weaver) What is --
5 (Court Reporter asks for clarification.) 11:25:20

6 Q. (By Ms. Weaver) What is machine
7 learning?

8 A. Machine learning is a form of
9 programmatically -- at least in the context of
10 ads -- of programmatically creating this 11:25:31
11 prediction. So within our ad delivery, we base it
12 on people's activity to understand their future
13 potential engagement.

14 Q. And is this kind of analysis logged at
15 Facebook with regard to users? 11:25:47

16 A. Can you explain what you mean by "this
17 analysis."

18 Q. Right.
19 You engage in a purchase and the
20 algorithm says it means that you're likely to 11:26:03
21 engage in a different kind of purchase in ten
22 minutes.

23 Is that logged somewhere, that
24 prediction?

25 MR. BENJAMIN: Objection -- objection to 11:26:13

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1 form. 11:26:14

2 THE DEPONENT: We -- so I think there are
3 a few -- a few important pieces.

4 Machine learning takes into account --
5 it's not a one-to-one deterministic rule, which is 11:26:25
6 why it's machine learning.

7 And so it's taking into account your
8 activity and -- and that helps us develop the -- in
9 this example, let's -- we call it the estimated
10 action rate, which is whether or not you will 11:26:42
11 engage in the way -- in -- in an ad.

12 We log the -- the activity that's feeding
13 into it, because that's just the activity that we
14 have anyway and we -- we know which ad we showed
15 someone. So we know the output. 11:27:07

16 Q. (By Ms. Weaver) Let's talk about the
17 output.

18 Facebook makes a prediction. What does
19 it do with that prediction?

20 MR. BENJAMIN: Objection -- objection to 11:27:31
21 form.

22 THE DEPONENT: I think it's helpful to
23 maybe expand to ads.

24 So advertiser creates the ad. They give
25 us the content. They set the parameters for their 11:27:39

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1 audience and their bid. The bid is how much they 11:27:42
2 are willing to pay to show that ad.

3 We then move it into our ad ranking or
4 the optimization portion where we take the eligible
5 audience and we say who -- which ad should Bella 11:27:55
6 see.

7 In order to determine that, we're --
8 we're using the total value equation and that is
9 the bid from the advertiser, the estimated action
10 rate that I will actually want to see this and 11:28:10
11 engage with this ad and the ad quality. Those are
12 the machine learning components.

13 And then the output is whether -- which
14 ad we -- they -- I'm shown of all the ads that I'm
15 eligible to see in that moment. 11:28:24

16 Q. (By Ms. Weaver) So does Facebook log
17 which ads a specific user is shown?

18 A. Yes.

19 Q. And when did Facebook start logging what
20 ads a specific user is shown? 11:28:39

21 A. I believe that we have -- have -- we
22 have -- in -- we have logged that since we started
23 to show ads.

24 Q. Which was in 2007, right?

25 A. Yes. 11:29:01

1 Q. And does Facebook link the advertisement 11:29:02
2 shown to a specific user and also log the behavior
3 that triggered the ad?

4 MR. BENJAMIN: Objection to form.

5 THE DEPONENT: What I was saying before 11:29:17
6 is, it's not a one-to-one relationship. It's not a
7 singular behavior. And so there wouldn't be a one
8 trigger to log with that.

9 Q. (By Ms. Weaver) Is there -- are there
10 logs that reflect series of activities that also 11:29:31
11 correlate in time to the ads Facebook is showing
12 them?

13 MR. BENJAMIN: Objection to form.

14 THE DEPONENT: Again, the assumption is
15 that there's like a -- a separate set of activity 11:29:44
16 from what just -- what we use for ads as people's
17 activity. And then that is how our machine
18 learning determines if this would be of interest
19 and then determines the ad to show.

20 It's not that there is like cherry-picked 11:30:02
21 activity that would -- is a one-to-one relationship
22 with showing any given ads. So that's not -- that
23 doesn't reflect how machine learning works in order
24 to log it in that manner.

25 Q. (By Ms. Weaver) Right. I understand. 11:30:17

1 I mean, what I'm trying understand, 11:30:18
2 though, at some point machine learning is learning
3 and it's saying this activity predicts X, right?

4 MR. BENJAMIN: Objection to form and
5 scope. 11:30:30

6 THE DEPONENT: Do you mean a specific
7 activity or Bella has -- has -- this is -- these
8 are Bella's interactions over time, and we think it
9 means that this would be an ad of interest.

10 Q. (By Ms. Weaver) Exactly. 11:30:43

11 A. Right.

12 So, again, we know activity that is
13 logged. We know which ads I -- I have -- we know
14 the targeting of ads. And then we know the ad I'm
15 shown. So we know the output. 11:30:54

16 Q. So the question is, does Facebook
17 maintain any kind of record -- record or log of, in
18 a given time period, these are the activities and
19 these are the ads?

20 A. We maintain records of people's activity 11:31:09
21 and we maintain records of -- or we -- we store the
22 ads people are shown.

23 Q. And doesn't Facebook also maintain some
24 kind of record of the special sauce that gets them
25 from A to B? 11:31:24

1 MR. BENJAMIN: Objection to form. 11:31:27

2 THE DEPONENT: I think that is what I
3 described. There isn't a way to -- like there
4 isn't storage of a specific trigger because that's
5 not how machine learning works. 11:31:40

6 Q. (By Ms. Weaver) Right. I understand
7 what you're saying.

8 I'll come back to that.

9 Where are the logs that you just
10 described with regard to the activity in the ads 11:31:52
11 maintained?

12 A. Ads people see is something that we store
13 [REDACTED] People's activity is also something we
14 store [REDACTED]

15 Q. Is it stored anywhere else? 11:32:06

16 MR. BENJAMIN: Objection to form. Vague.
17 Compound.

18 THE DEPONENT: The ads information is
19 stored [REDACTED]. That's the database that -- that
20 holds it. And that's the same for the activity. 11:32:21
21 There -- other -- other systems might read from it.

22 So for example, to render ads reporting.
23 In ads manager, we would read from -- from those
24 databases.

25 Q. (By Ms. Weaver) Are you familiar with 11:32:40

1 the Download Your Information tool? 11:32:40

2 A. I'm familiar that it exists, and we
3 provide access to information there.

4 Q. Does it read from these tables [REDACTED],
5 do you know? 11:32:55

6 A. I --

7 MR. BENJAMIN: Objection -- objection to
8 form and scope.

9 THE DEPONENT: Unfortunately, I don't
10 know that as part of -- of my ads expertise. 11:33:02

11 MS. WEAVER: Okay. I think we can
12 take our -- a break now.

13 Let's go off the record.

14 THE VIDEOGRAPHER: Okay. We're off the
15 record. It's 11:33 a.m. 11:33:28

16 (Recess taken.)

17 THE VIDEOGRAPHER: We're back on the
18 record. It's 12:24 p.m.

19 Q. (By Ms. Weaver) Hi, Ms. Leone. Did you
20 have a good lunch? 12:24:23

21 A. I did. Thank you.

22 Q. Or lunch equivalent.

23 I'm going to show you what we've marked
24 as -- uh-oh -- Exhibit -- give me a moment -- 656.

25 /////

1 (Exhibit 656 was marked for 12:24:39
2 identification by the court reporter and is
3 attached hereto.)

4 Q. (By Ms. Weaver) And while we're waiting
5 for it to load, do you recall when ad preferences 12:24:43
6 was created, so that users could see what -- or try
7 to control what ads were presented to them?

8 A. Ad preferences launched in 2014.

9 Q. Okay. I see.

10 Okay. Do we have Exhibit 656 up? 12:25:17

11 A. Yes, I have it up.

12 Q. And looking at Exhibit 656, do you know
13 what it is?

14 A. It is a Newsroom blog post from 2019
15 announcing additions to some of our transparency 12:25:38
16 interfaces.

17 Q. So what is a Newsroom blog post?

18 A. A Newsroom blog post -- Newsroom is what
19 we call the portion of our website where anyone can
20 navigate on the Internet that we make 12:25:57
21 announcements.

22 Q. And looking at Exhibit 656, you see that
23 it bears a date of July 11th, 2019?

24 A. Yes.

25 Q. Why did you review this particular 12:26:13

1 document? 12:26:16

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: This is part of our

4 evolution of the tools around ads targeting and ads

5 ranking. In this case, the transparency tools. 12:26:29

6 And so I wanted to be sure that I understood what

7 had changed in this moment.

8 And if I -- do you mind if I take a

9 moment and --

10 Q. (By Ms. Weaver) Of course. 12:26:40

11 A. -- make sure that --

12 Q. Yeah.

13 A. Sorry.

14 Yeah, this was -- these were updates to

15 WAIST. And as part of prep, I was reviewing many 12:27:02

16 of the updates we've made and -- and generally

17 understanding where -- when those were.

18 Q. So this disclosure does not relate to ads

19 sent to users because of behavioral targeting

20 actions, right? 12:27:24

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: Can you clarify when you

23 say "behavioral," what -- what you mean?

24 Q. (By Ms. Weaver) Okay. With respect to

25 data sources that are bases of the information 12:27:36

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1      that's used for ad interest, and then there's a      12:27:40
2      different dataset that is the source for behaviors,
3      correct?
```

4 MR. BENJAMIN: Objection to form.

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5 | Misstates. 12:27:55
```

6 THE DEPONENT: It sounds like you're
7 differentiating the activity more so than the fact
8 that it's just a separate set of options in the UI
9 for advertisers. And that's meant to reflect how
10 they organize and how they can select their 12:28:10
11 audience. And that's really the big distinction
12 between the two.

13 Q. (By Ms. Weaver) Okay. Well, looking at
14 Exhibit 656 and turning to the page that's at --
15 ending in -945. 12:28:42

16 A. Yes, I'm there.

17 Q. And do you see it says "We're updating Ad
18 Preferences to show you more about businesses that
19 upload lists with your information."

20	Do you see that?	12:28:58
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21 A. Yes. Sorry. I'm not sure if this is for
22 others as well. That's actually on the -- -944 for
23 me.

24 Q. I'm so sorry. That --

25 A. Okay. I -- I just want to be sure I'm at 12:29:14

1 the right spot. 12:29:17

2 Yes, I see that.

3 Q. So does Facebook provide businesses with
4 lists that they can upload with information about
5 users? 12:29:25

6 A. No.

7 Q. So what does this mean when it says
8 "We're also updating Ad Preferences to show you
9 more about businesses that upload lists with your
10 information"? 12:29:35

11 A. This refers to custom audiences. The
12 customer list form of custom audiences.

13 Q. Okay. And -- and so looking at
14 Exhibit 656, is this meant -- what -- what is the
15 purpose of this blog? 12:29:49

16 A. This was to --

17 MR. BENJAMIN: Objection -- objection to
18 form.

19 THE DEPONENT: This was to announce
20 updates to WAIST and ad preferences that would help 12:29:57
21 users understand when an advertiser has uploaded a
22 customer list in order to reach them with an ad.

23 Q. (By Ms. Weaver) Okay. Well, look at the
24 page ending -943 --

25 A. Yes. 12:30:13

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1 Q. -- where it says "First, we'll show 12:30:14
2 people more reasons why they're seeing an ad on
3 Facebook. In the past, 'Why am I seeing this ad?'
4 highlighted one or two of the most relevant
5 reasons, such as demographic information or that 12:30:24
6 you may have visited a website. Now, you'll see
7 more detailed targeting, including the interests or
8 categories that matched you with a specific ad. It
9 will also be clearer where that information came
10 from (e.g. the website you may have visited or Page 12:30:38
11 you may have liked), and we'll highlight controls
12 you can use to easily adjust your experience."

13 Do you see that?

14 A. Yes.

15 Q. So when it's referring to interest or 12:30:48
16 categories that match you with a specific ad, that
17 is referring to interest advertising, right?

18 MR. BENJAMIN: Objection to form. Vague.

19 THE DEPONENT: So reading this blog post,
20 it's referring to the targeting options that are 12:31:06
21 under detailed targeting. So interests targeting
22 options and -- and other categories which are the
23 other options within detailed targeting.

24 Q. (By Ms. Weaver) Okay. And then a little
25 later, you've said that what -- on the next page, 12:31:20

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1 pages 4 and 5 of the document -- it discusses 12:31:24
2 custom advertising; is that right?

3 MR. BENJAMIN: Objection to form.
4 Misstates.

5 THE DEPONENT: It also notes that we're 12:31:34
6 making an additional update to ad preferences, and
7 that is related to customer lists.

8 Q. (By Ms. Weaver) And why doesn't this
9 document discuss the behavioral targeting -- the --
10 the targeting for behaviors that we spent so much 12:31:48
11 time discussing before the break?

12 MR. BENJAMIN: Objection to form.
13 Mischaracterizes.

14 THE DEPONENT: The -- so I didn't write
15 this blog post. So the wording here -- I think 12:32:02
16 it's hard to speculate exactly how they drafted
17 this.

18 But that is what is meant by the more --
19 "you'll see more detailed targeting, including the
20 interests or categories that matched you with a 12:32:15
21 specific ad."

22 That includes those behaviors and
23 specifically the behaviors that the advertiser
24 chose when creating their desired audience.

25 Q. (By Ms. Weaver) Do you know why the word 12:32:31

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1 "behaviors" is not used in this disclosure? 12:32:31

2 MR. BENJAMIN: Objection to form and
3 scope.

4 THE DEPONENT: I -- I can't tell you how
5 it was drafted this way. But detailed targeting 12:32:44
6 interests or categories, we often talk about
7 targeting as categories and this -- this aligns
8 with that. It doesn't use the -- the exact same
9 nomenclature, but...

10 Q. (By Ms. Weaver) Or the word "behavior." 12:33:00
11 Do you know if Facebook uses the word
12 "behavior" in its privacy policy or data use
13 policy?

14 MR. BENJAMIN: Objection.

15 Q. (By Ms. Weaver) The -- the kinds of 12:33:09
16 inferences drawn about them based on their activity
17 on and off the platform?

18 MR. BENJAMIN: Excuse me. I didn't mean
19 to interrupt. I'm sorry.

20 Objection to form and scope. 12:33:17

21 THE DEPONENT: I don't know if the
22 specific word is used. But we do use that word.
23 It's in our ad product when someone goes to create
24 an ad.

25 Q. (By Ms. Weaver) So you use it facing 12:33:29

1 | advertisers, but not facing users; is that right? 12:33:30

2	A. Again --
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3 MR. BENJAMIN: Objection to form.

4 THE DEPONENT: -- that's not quite right.

5 | I said I -- I don't know for certain if it's in our 12:33:38

6 policy -- our -- our data policy. But it is

7 | displayed to users in other transparency interfaces

8 such as ad preferences.

9 Q. (By Ms. Weaver) You're the -- you're a
10 privacy and policy manager -- is that right? -- and 12:33:52
11 you have been since 2019?

12	A. Correct.
----	-------------

13 Q. And what are your duties and
14 responsibilities?

15	A. I work with our --	12:34:00
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16 MR. BENJAMIN: Objection -- sorry.

17 THE DEPONENT: Sorry. That was my fault.

18 MR. BENJAMIN: Objection to form and
19 scope.

20	You can answer.	12:34:10
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21 THE DEPONENT: I work with our product

22 teams as they develop new products. And we work to

23 ensure that those would -- would be in line with

24 what we think our privacy principles should be.

25	And also conversations we have with external groups	12:34:25
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1 and feedback generally about the products. 12:34:28

2 Q. (By Ms. Weaver) And does that include --
3 do the products include behavior targeting?

4 A. I cover ad targeting, yes.

5 Q. Earlier you indicated that there might be 12:34:41
6 a difference in your mind between behavioral
7 advertising targeting and behavior targeting; is
8 that fair?

9 A. I -- I think there's -- there's the
10 product of behavior operations that are in our 12:34:56
11 targeting tools. So what we provide to advertiser.
12 I think there can be -- people use behavioral
13 targeting to speak generally about both
14 personalization, about the use of specifically
15 offsite data. 12:35:13

16 And so I think -- it's like capital B,
17 behavior, a thing we produce or we provide in our
18 tool versus the concept of behavioral targeting.
19 And that's the distinction I see. But when we were
20 discussing it earlier, I think those got a little 12:35:29
21 bit mixed probably.

22 Q. Okay. And -- and what is OBA?

23 A. OBA is closer to that, the second, it's
24 online behavioral advertising. It is commonly
25 meant to mean use of -- of activity off of the 12:35:44

1 platform to inform advertising. 12:35:49

2 Q. So is it fair to say that like OBA or
3 behavioral -- behavioral advertising is an industry
4 term of art.

5 And when you've been talking about 12:35:59
6 behavior, it's a specific Facebook product?

7 A. Yes. It is a industry term of art. When
8 we were specifically talking about behaviors, the
9 targeting options, I addressed those. When we were
10 talking about how we use activity generally, it 12:36:15
11 would also relate to the industry term of online
12 behavioral advertising.

13 Q. Okay. And then what is political
14 targeting?

15 MR. BENJAMIN: Objection to form. 12:36:33

16 THE DEPONENT: Political targeting is
17 just the -- I guess I'm -- I might need to put that
18 back to you.

19 Are you thinking in the context of our
20 tools? 12:36:49

21 Q. (By Ms. Weaver) I'm just thinking, in
22 general, do you know what political targeting
23 means?

24 MR. BENJAMIN: Objection to form and
25 scope. 12:36:57

1 THE DEPONENT: To me, that means the 12:36:59
2 options we provide for advertisers to create their
3 audience that are related to politics.

4 MS. WEAVER: Okay. Well, why don't we
5 mark Exhibit 3, because of the scope objection. 12:37:10

6 And for the record, Exhibit 3 [sic] is a
7 letter sent to me from Mr. Benjamin on
8 July 29th, 2022.

9 (Exhibit 657 was marked for
10 identification by the court reporter and is 12:37:27
11 attached hereto.)

12 MS. WEAVER: And when it's up, I'll ask
13 you to turn to the second page, and I'll read into
14 the record when you have it up.

15 Do you have it available, Counsel? 12:37:38

16 MR. BENJAMIN: Yes.

17 Q. (By Ms. Weaver) It says "Ms. Leone will
18 be prepared to discuss: The targeting and audience
19 selection options available to advertisers,
20 including with respect to political targeting 12:37:53
21 segments, which we understand to be of interest to
22 Plaintiffs."

23 Do you see that?

24 A. Yes.

25 Sorry. 12:38:08

1 Q. Okay. So what are political targeting 12:38:08
2 segment -- segments?

3 A. It's what I was describing as the options
4 that we provide an advertiser to define their
5 audience. 12:38:18

6 MS. WEAVER: Okay. So the scope
7 objection was meritless.

8 Q. (By Ms. Weaver) The -- what -- is there
9 a subset of political segmentation that Facebook
10 provides to advertisers? 12:38:31

11 A. We've provided specific targeting
12 options. And those are when -- I think maybe
13 segmentation here is interchangeable with options.
14 So there are a number of political targeting
15 options that we've provided to advertisers. 12:38:50

16 Q. And what are they and how have they
17 changed over time?

18 A. There were several phases. So the
19 initial phase, from 2014 to 2018, was five
20 targeting options that were based -- that work -- 12:39:07
21 were called like very liberal to very conservative.
22 And then we've had multiple phases since then. One
23 phase which segmented those five into smaller or --
24 or more defined groups.

25 And then the latest phase that was -- we 12:39:27

1 introduced in 2018, which went back to five top 12:39:32
2 level groups, and those were deprecated in 20- --
3 2022.

4 Q. So going back to the segments from 2014
5 to 2018, what were those five targeting options? 12:39:44

6 A. Very liberal, liberal, moderate,
7 conservative and very conservative.

8 Q. And then you said there were -- there was
9 a phase from 2018 to 2020; is that fair?

10 A. Sorry. I -- I think my -- I said 2022, 12:40:05
11 but -- so it was 2018 to 2022. And it was the same
12 naming except it was likely to engage with. And
13 there were new segments, likely to engage with,
14 very liberal content. And then similar, likely to
15 engage with, liberal content. Likely to engage 12:40:24
16 with, moderate content. Likely to engage with,
17 conservative content. Likely to engage with, very
18 conservative content. And those were 2018 to 2022.

19 Q. And why were the words "likely to engage
20 with" added to the segments? 12:40:38

21 A. It was a representation of how those
22 segments changed. The naming was to reflect how we
23 developed those.

24 Q. How did the segments change?

25 A. [REDACTED] 12:40:53

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15 Q. And you said it was deprecated this year; 12:41:49

16 is that correct?

17 A. In 2022, yes, March.

18 Q. In March.

19 Why?

20 A. We announced last year that we were 12:41:57

21 deprecating a series of targeting options including

22 these. That we were -- we had had many discussions

23 over multiple years, and we felt that these no

24 longer met people's evolving expectations.

25 It was something that we did with -- work 12:42:14

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1 with advocacy groups and others to identify and 12:42:16
2 then phase out from our targeting system.

3 Q. What expectations did it not meet?

4 A. From our conversations, these -- these
5 were areas that people may perceive to be sensitive 12:42:33
6 and weren't ones that we wanted to continue to
7 support.

8 Q. And when you say "sensitive," what do you
9 mean?

10 A. I'm -- I'm using the words of -- of many 12:42:45
11 of the groups we spoke to. They found that these
12 were areas that people found sensitive and --
13 and -- and we decided those -- those targeting
14 options would no longer meet people's expectations.
15 I can't tell you exactly what they meant by 12:43:04
16 sensitive.

17 Q. But I'm just asking what Facebook means
18 by sensitive?

19 A. We don't take that as a definition. It's
20 that we understood people perceived these to be 12:43:16
21 sensitive and -- and choose to -- to not support
22 them any longer.

23 Q. Did Facebook suffer a loss in revenue by
24 deprecating the use of those political targeting
25 segments? 12:43:35

1 MR. BENJAMIN: Objection to form and 12:43:39

2 scope.

3 THE DEPONENT: Advertisers don't have

4 these segments any longer. I can't tell you if

5 that means that they stopped advertising or not. 12:43:48

6 Q. (By Ms. Weaver) Did Facebook take any

7 steps to track, before or after making the

8 decision, the impact to revenue of deprecating

9 these political targeting segments?

10 A. Okay. What I explained -- 12:44:03

11 MR. BENJAMIN: Objection to form.

12 Compound.

13 THE DEPONENT: What I explained earlier

14 is relevant here, too, where there isn't a before

15 and after snapshot because revenue isn't associated 12:44:14

16 with any one targeting option.

17 Q. (By Ms. Weaver) Okay. But the question

18 was, did Facebook take any steps to track, before

19 or after making this decision, the impact to

20 revenue of deprecating political targeting 12:44:30

21 segments?

22 MR. BENJAMIN: Objection --

23 THE DEPONENT: My point is that --

24 MR. BENJAMIN: Objection to form.

25 THE DEPONENT: My point is that there 12:44:39

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1 isn't a one-to-one way to track that. And so we 12:44:40
2 did not take steps to track explicitly the revenue
3 loss from removing these -- these segments.

4 Q. (By Ms. Weaver) Does Facebook, in
5 general, track revenue loss when it deprecates a 12:44:52
6 product?

7 MR. BENJAMIN: Objection to form and
8 scope.

9 THE DEPONENT: Can I clarify, do you mean
10 understanding what our revenue was before something 12:45:07
11 and then after?

12 Q. (By Ms. Weaver) Yes.

13 A. We track our revenue. There are lots of
14 factors that influence our revenue. And we do not
15 associate a change in revenue specifically with the 12:45:20
16 removal of targeting because it is not a one-to-one
17 relationship. And as --

18 Q. And --

19 A. Yeah.

20 Q. I understand the point. 12:45:31
21 But here Facebook deprecated a product,
22 correct?

23 A. We deprecated targeting options. And as
24 I clarified, I call those products.

25 Q. And -- and products have budget, don't 12:45:40

1	they?	12:45:42
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2 MR. BENJAMIN: Objection to form and
3 scope.

4	THE DEPONENT: Budgets in the sense of	
5	the amount of money Facebook uses to build those	12:45:49
6	products?	

7 Q. (By Ms. Weaver) Yes.

8 And, again, we're talking about
9 advertising products.

A. We -- we do fund our product teams and
the resources to build a product. That is pretty
separate from a revenue calculation.

13 Q. Does Facebook provide or -- strike that.

14	Does Facebook track the revenue that	
15	certain products generate?	12:46:17

16 MR. BENJAMIN: Objection to scope.

17 THE DEPONENT: For ads, it is not a
18 one-to-one relationship because there are multiple
19 targeting options involved in any ad. And so there
20 isn't a way to track it directly back to a 12:46:37
21 targeting option -- to track revenue directly back
22 to a targeting option.

23 Q. (By Ms. Weaver) Are you saying that this
24 product was a targeting option in your answer?

25	MR. BENJAMIN: Objection to form.	12:46:54
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1 THE DEPONENT: The political -- 12:46:54

2 Q. (By Ms. Weaver) The reason I'm asking
3 is, you're -- you keep answering in generalities,
4 and I'm talking about these political targeting
5 segments that you just discussed, did Facebook's 12:47:05
6 revenue decrease when it deprecated them?

7 MR. BENJAMIN: Objection to scope.

8 THE DEPONENT: These targeting
9 products -- the specific political segments were
10 deprecated. There is not a one-to-one way to 12:47:24
11 measure if any increase or decrease in revenue is
12 related to that deprecation.

13 Q. (By Ms. Weaver) I'm not asking about a
14 one-to-one ratio.
15 I'm just asking, after Facebook 12:47:31
16 deprecated these products, did its targeting
17 revenue decrease?

18 MR. BENJAMIN: Objection to form. Asked
19 and answered. Vague. And outside the scope.

20 THE DEPONENT: I think the issue is the 12:47:45
21 question assumes causality. If revenue changed in
22 the last six months, there could be many reasons
23 for that.

24 Q. (By Ms. Weaver) Okay. But as you sit
25 here -- I'll worry with my experts about causation. 12:47:58

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1 I'm simply trying to get the facts. 12:48:01

2 As you sit here, do you know if
3 Facebook's revenue decreased after it deprecated
4 political targeted advertising segments?

5 MR. BENJAMIN: Objection to form. Asked 12:48:12
6 and answered. Vague. Argumentative. And outside
7 the scope.

8 THE DEPONENT: I do not know that our
9 revenue decreased because of a removal of these
10 targeting options. That is not something that we 12:48:25
11 can measure.

12 Q. (By Ms. Weaver) That's not what I'm
13 asking.

14 Facebook deprecated political targeting
15 segments in March 2020, correct? 12:48:32

16 A. 2022.

17 Q. Sorry. 2022.

18 Did Facebook's revenue for targeted
19 advertising decrease in April 2022?

20 MR. BENJAMIN: Objection to form. Asked 12:48:46
21 and answered repeatedly. Argumentative. Outside
22 the scope.

23 THE DEPONENT: I don't know how else to
24 answer the question than to help disassociate these
25 because if our -- our -- our -- I would say our 12:49:01

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1 of Facebook's targeted advertising revenue on a 12:50:00
2 weekly or monthly basis?

3 MR. BENJAMIN: Objection to form.
4 Compound.

5 THE DEPONENT: I personally do not 12:50:16
6 receive a continuous update of our revenue. No.

7 Q. (By Ms. Weaver) Do you know if one
8 exists at Facebook?

9 I wasn't asking you personally. I was
10 asking Facebook, the deponent. 12:50:29

11 So does Facebook prepare and circulate
12 weekly or monthly snapshots of targeted advertising
13 revenue?

14 MR. BENJAMIN: Objection to form and
15 scope. 12:50:42

16 THE DEPONENT: Can I ask a clarifying
17 question, are you specifically -- when you say
18 "targeted advertising revenue," do you just mean
19 our ads business?

20 Q. (By Ms. Weaver) What is targeting -- 12:50:54

21 A. Those are one and the same in my mind.
22 But I want to --

23 Q. Okay.

24 A. -- make sure that's also the case in
25 your -- what you're saying. 12:51:00

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1 Q. Yes. Fine. Ads business, but broken out 12:51:01
2 by -- with some granularity, as opposed to the
3 public facing documents. So let me ask it again.

4 Does Facebook prepare and circulate
5 weekly or monthly snapshots of targeted advertising 12:51:16
6 revenue?

7 MR. BENJAMIN: Objection to form.

8 THE DEPONENT: We track revenue from our
9 ads business. The -- it is not broken out by
10 targeting -- by targeting option. That is not a 12:51:37
11 granularity, that we break it out, because it is
12 not a measurement of revenue.

13 Q. (By Ms. Weaver) Does it break it out by
14 core audience, behavior and custom audience?

15 MR. BENJAMIN: Objection to form. 12:51:55

16 THE DEPONENT: No.

17 Q. (By Ms. Weaver) How does it break it
18 out?

19 A. It breaks it out by region, in the sense
20 of where are we making this money and where -- 12:52:03
21 advertisers spending on our platform. And it
22 breaks it out by -- usually by size of advertisers.
23 So is this an advertiser we consider a small,
24 medium business or a large advertiser.

25 Q. And how often are these reports 12:52:22

1 circulated? 12:52:24

2 MR. BENJAMIN: Objection to form and

3 scope.

4 THE DEPONENT: Our ads leadership teams

5 might get these once a week. 12:52:38

6 Q. (By Ms. Weaver) What are they called?

7 A. I honestly don't know what the name of

8 the report or -- might be. I don't know.

9 Q. Do you know who would know?

10 MR. BENJAMIN: Objection to scope. 12:52:54

11 THE DEPONENT: Part of our analytics team

12 would know. But I don't know a specific name.

13 As I said, I -- I -- these -- those --

14 well, yeah.

15 Q. (By Ms. Weaver) Who were the main 12:53:14

16 advertisers who were paying for political targeting

17 segments between the time period 2014 to 2022?

18 A. To clarify --

19 MR. BENJAMIN: Objection to form.

20 THE DEPONENT: To clarify, when you say 12:53:28

21 "paying for political targeting segments," you mean

22 choosing to run an ad with those as part of their

23 desired audience"?

24 Q. (By Ms. Weaver) Yes.

25 A. Okay. I don't know the -- the advertiser 12:53:37

1 entity breakdown for those over -- over seven 12:53:44
2 years. That -- that's not something I know off the
3 top of my head.

4 Q. I didn't ask for the advertising entity
5 breakdown. 12:53:55

6 But can you name any companies who paid
7 for political targeted advertising from the time
8 period 2014 to 2022?

9 MR. BENJAMIN: Objection to form.
10 Argumentative. And scope. 12:54:08

11 THE DEPONENT: This -- I would be
12 speculating without looking at that specifically.
13 That would be something that we would look up more
14 so than know generally.

15 Q. (By Ms. Weaver) So the name 12:54:25
16 Cambridge Analytica doesn't come to mind?

17 MR. BENJAMIN: Objection to form.
18 Argumentative.

19 THE DEPONENT: It didn't come to mind,
20 no. 12:54:36

21 Q. (By Ms. Weaver) Was Cambridge Analytica
22 one of the companies that paid Facebook for
23 targeted political advertising during the time
24 period 2014 to 2022?

25 A. And, again, specifically meaning did 12:54:47

1 Cambridge Analytica create an ad using those 12:54:49

2 targeting options?

3 Q. Yeah.

4 A. I -- I don't know.

5 Q. Do you know whether or not 12:55:00

6 Cambridge Analytica paid Facebook \$100 million for
7 advertising of a political nature in 2016?

8 A. I do know that --

9 MR. BENJAMIN: Objection to form.

10 THE DEPONENT: -- that 12:55:15

11 Cambridge Analytica advertised on our platform.

12 Q. (By Ms. Weaver) But you don't know the
13 amount and what for?

14 A. I don't know the --

15 MR. BENJAMIN: Objection -- objection to 12:55:24
16 form and scope.

17 THE DEPONENT: I do not know the exact
18 amount or the exact targeting options that they
19 choose for their desired audience.

20 Q. (By Ms. Weaver) What do you know about 12:55:37
21 that topic?

22 MR. BENJAMIN: Objection to form.

23 Argumentative and scope.

24 THE DEPONENT: About ad targeting? I'm

25 happy to chat through more on the segments and 12:55:52

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1 how -- anything about those. I don't -- I'm -- I'm 12:55:54
2 not sure if that's what you meant or if you mean
3 specifically Cambridge.

4 Q. (By Ms. Weaver) I mean
5 Cambridge Analytica, which is the trigger for this 12:56:02
6 lawsuit, and what Cambridge Analytica paid Facebook
7 for targeted political advertising.

8 A. I do not know details about the -- the
9 Cambridge Analytica spend, specifically.

10 Q. Do you know anything else about what -- 12:56:26
11 why Cambridge Analytica was paying Facebook for
12 advertising in 2016?

13 MR. BENJAMIN: Objection to both form and
14 scope.

15 THE DEPONENT: I think you're indicating 12:56:42
16 if there were other reasons they -- they paid us.
17 I do not know of those.

18 Q. (By Ms. Weaver) Did Facebook make
19 changes to the political targeting segments in
20 2018, as a result of the Cambridge Analytica 12:57:05
21 scandal?

22 A. No.

23 Q. And how do you know that?

24 MR. BENJAMIN: Objection to form.

25 THE DEPONENT: I was part of the team. 12:57:24

1 But also from speaking to some of the -- throughout 12:57:26
2 my prep, in understanding how we evolved these
3 segments, and it was not linked to
4 Cambridge Analytica.

5 Q. (By Ms. Weaver) When you said you were 12:57:39
6 part of the team, which team do you mean?

7 A. I worked on ads as part of the policy
8 team and -- at Meta working on ads.

9 Q. And so what was the reason for making the
10 changes to targeted advertising in 2018? 12:57:53

11 A. Specifically, the segments, we evolved
12 the way we were creating them. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

17 Q. Right. You described that earlier.

18 The question I asked you was why. What
19 is the reason?

20 A. Those were updated models that -- that 12:58:32
21 would function better to show people relevant ads.

22 Q. How would they function better and how
23 did you determine that?

24 MR. BENJAMIN: Objection to form.

25 THE DEPONENT: When those were -- options 12:58:52

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1 are added in, we found -- like those options 12:58:54
2 were -- performed better to show people relevant
3 ads.
4 Q. (By Ms. Weaver) How do you know they
5 performed better? 12:59:03
6 A. We saw advertisers using them, and we saw
7 people engaging with those ads.
8 Q. Were there reports generated that
9 reflected data to you that indicated that these ads
10 were performing better prior to making the change? 12:59:19
11 A. Meaning specifically was there a live
12 test for this?
13 Q. I'm trying to understand the information
14 that you use when you decided to make this change.
15 Just -- just telling me that you made the 12:59:35
16 change doesn't explain why. So --
17 A. Yeah.
18 Q. -- I'm trying to understand the
19 information that you used to make this change.
20 Were there studies? Were there analyses? 12:59:44
21 MR. BENJAMIN: Objection to form.
22 Q. (By Ms. Weaver) I'll ask the question
23 again.
24 Were there reports generated that
25 reflected data that indicated these ads were 12:59:54

1 performing better, prior to making the change? 12:59:56

2 A. Not in the form of a before and after
3 snapshot. Our teams build new targeting options
4 because they want to evolve the platform and evolve
5 the tools we offer. 01:00:20

6 This is an example of that, where the
7 2014 to 2018 method of creating those segments
8 wasn't what our -- what the team felt was like the
9 best way to do it. And so they created the next
10 version which was an updated way that used content 01:00:39
11 engagement and performed well for those ads. In
12 that when we launched those, advertisers used them
13 and people saw and engaged with the ads.

14 Q. Did Facebook make any changes to how it
15 conducted political targeted advertising as a 01:00:58
16 result of the Cambridge Analytica scandal?

17 MR. BENJAMIN: Objection to form.

18 THE DEPONENT: No.

19 Q. (By Ms. Weaver) Okay. So Facebook
20 provides metrics to advertisers about their 01:01:35
21 advertisements, correct?

22 A. Yes.

23 Q. What metrics does Facebook provide?

24 A. We provide performance metrics to
25 advertisers. 01:01:46

1 Q. Do you do those through the ad manager 01:01:50
2 tool?

3 A. That is an example place where -- where
4 most advertisers reference and get those, yes.

5 Q. And what is the ad manager tool? 01:02:00

6 A. Ads manager is the UI that advertisers
7 can both place their ads. So create the ad, upload
8 the content for it. And then also come back to, to
9 understand how the ad is performing.

10 Q. And what is ads -- does -- does Facebook 01:02:18
11 also provide metrics through ads APIs?

12 A. Yes.

13 Q. And what are those and what information
14 does it provides through them?

15 A. An API -- 01:02:33

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: An API is a -- is a way to
18 programmatically call information instead of using
19 our -- our built interface. The API includes the
20 same information. So for an ad, it would include 01:02:51
21 the impressions and clicks, and the performance
22 metrics that -- for any given ad.

23 Q. (By Ms. Weaver) And does Facebook also
24 perform an analysis of the quality of the ad?

25 MR. BENJAMIN: Objection to form. 01:03:14

1 THE DEPONENT: I want to be sure this is 01:03:17
2 in the context that you're thinking of.

3 Q. (By Ms. Weaver) Okay.

4 A. As part of ad delivery, our -- as part of
5 our total value equation that I was talking about 01:03:25
6 earlier, we do include ad quality. And that is our
7 prediction of -- of the -- the type of ad and
8 whether it is sensational or -- or "click-baity,"
9 or the quality of the images of the ad.

10 Q. When you say "sensational," what do you 01:03:45
11 mean?

12 A. Similar to click bait. It's when like
13 the text is -- is "Ten great tips for" is an
14 example of sensational click bait text.

15 Q. So what do you mean by -- sorry -- but 01:04:05
16 for the record, what do you mean by click bait?

17 A. Click bait is -- and I will -- I'll -- is
18 like an industry concept around ads, which is
19 usually that the ad does not provide the actual
20 message. It is meant to entice someone to click. 01:04:21
21 So it's a catchy headline in order to get to the
22 content somewhere else.

23 Q. And do advertisers pay more for click
24 bait?

25 MR. BENJAMIN: Objection to form and 01:04:41

1 scope. 01:04:42

2 THE DEPONENT: So the importance of ad
3 quality in our -- in our delivery system is to help
4 us ensure that we're taking into consideration
5 different parts of the ad in order to determine who 01:04:51
6 should see it.

7 So the advertiser bid is part of it. The
8 estimated action rate, which represents like
9 people's interest, and the ad quality. An ad of
10 lower quality is less likely to be delivered. An 01:05:06
11 ad of higher quality that doesn't have click-bait
12 content in it is more likely to be delivered.

13 Q. (By Ms. Weaver) So how does Facebook
14 analyze ad quality?

15 A. By analyze, we -- we look -- as part of 01:05:23
16 our ad delivery, it's -- the machine-learning
17 models also look at the text of the ad, the images.
18 And whether it's been -- whether people have hidden
19 it. And kind of user feedback on it as well to
20 establish if it -- the -- a prediction of ad 01:05:41
21 quality.

22 Q. And what are the factors that tend to
23 cause people to take action about an ad which
24 increases its ad quality?

25 A. Sorry. Can you clarify. People take 01:05:58

1 action on an ad that increases its ad quality? 01:06:00

2 Q. Okay. Well, you described that one of
3 the components is, for example, whether people have
4 hidden an ad, as well as user feedback, right?

5 A. Yes. 01:06:12

6 Q. Would you describe people hiding an ad as
7 taking action?

8 A. I would. It doesn't increase ad quality.

9 Q. Okay. Are there actions that people take
10 that do increase ad quality? 01:06:22

11 A. No. We use it as a way to understand if
12 people are seeing something problematic. So it is
13 an indication of someone not wanting to seek
14 content and that's what feeds into ad quality.

15 Q. And how do you infer that people do not 01:06:41
16 want to see content?

17 A. By choosing to hide the ad, which is a
18 choice on -- on an ad for people.

19 Q. And so does Facebook take steps to try to
20 identify what ad users do not want to see? 01:06:55

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: Can you clarify if you
23 mean generally as part of ad quality --

24 Q. (By Ms. Weaver) Yes.

25 A. -- or on a more individual level? 01:07:11

1 Q. Generally, as part of ad quality. 01:07:14

2 A. That's precisely why we include ad
3 quality in our ad delivery is so that there is
4 part -- a feedback loop from someone potentially
5 not wanting to see something that feeds into our -- 01:07:24
6 our ad delivery. Because the goal of that delivery
7 is to show people ads they want to see.

8 Q. And what is the purpose of an ad quality
9 score in providing it to advertisers?

10 A. It provides advertisers with transparency 01:07:40
11 into how the -- part of their ad performance.

12 Q. Is it true that advertisers will pay more
13 for ads with a higher ad quality score?

14 MR. BENJAMIN: Objection to scope.

15 THE DEPONENT: Can you clarify what you 01:08:04
16 mean "pay more for."

17 Q. (By Ms. Weaver) Yes.

18 How is Facebook compensated for
19 advertising?

20 A. Advertisers create the ad and they pay 01:08:14
21 for the -- the delivery of that ad for -- for
22 the -- the -- every time the ad is shown.

23 Q. And if advertisers don't buy ads on
24 Facebook, Facebook doesn't earn money from them,
25 right? 01:08:34

1 A. We would not have ad spend from them, 01:08:37
2 correct.

3 Q. And is ad spend affected by increasing ad
4 quality scores at Facebook?

5 A. So to clari- -- 01:08:52

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: To clarify, ad spend is
8 based on how often -- or the fact that we've shown
9 the ad. So it is separate from ad score.

10	Ad score is part of the delivery to	01:09:06
11	determine who sees the ad. It's not that they are	
12	paying for ad score.	

13 Q. (By Ms. Weaver) Right. I understand
14 that.

15	A. Okay.	01:09:17
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16 Q. This is not very complicated, and I'm
17 just trying to get something basic established,
18 right.

19	Facebook creates ad scores so -- as a	
20	marketing tool to encourage people to advertise on	01:09:25
21	Facebook because you're saying, look, these are	
22	high-quality ads and you're getting responses.	

23	Is that fair?
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24 MR. BENJAMIN: Objection to form.

25	THE DEPONENT: No. It's our assessment	01:09:34
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1 of the quality of their ads so that they understand 01:09:36
2 if they had low performance, if it's due to a low
3 quality ad, or if they need to increase their
4 performance -- or increase the quality of their ads
5 in order to see better performance, because people 01:09:49
6 like better ads than bad ads.

7 Q. (By Ms. Weaver) Right. And when ads are
8 performing ing better, advertisers buy more of them
9 as opposed to less of them because they're not
10 performing better, right? 01:09:59

11 MR. BENJAMIN: Objection to form and
12 scope.

13 THE DEPONENT: I think the courts --

14 Q. (By Ms. Weaver) Do advertisers like to
15 pay for low performing ads or high performing ads? 01:10:14

16 A. Advertisers wouldn't be paying if the ad
17 isn't performing. Their spend is based on the ad
18 actually being shown and the action being taken.

19 Q. So increasing the performance of the ad
20 increases the advertiser's ad spend, correct? 01:10:31

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: I think we're using the --
23 the words differently here.

24 It's -- it's that -- their spend is
25 proportional to people taking the action on their 01:10:48

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1 ad. People taking that action is because they want 01:10:52
2 to state -- this was an ad that was relevant and so
3 they might click on it. And then an advertiser
4 pays for that.

5 If an ad score is low, the people are 01:11:02
6 less likely to take that action. And it is a way
7 for advertisers to understand how to create a
8 better ad, if they want to. There is no
9 requirement to. But if they want to create a
10 better ad and then see better performance, because 01:11:19
11 that ad is a better ad, they will then pay for the
12 better performance.

13 Q. (By Ms. Weaver) Exactly.

14 And so it's in Facebook's financial
15 interest to identify the kinds of ads people do not 01:11:32
16 want to see because they will not take action and
17 the advertiser will not pay Facebook, because it's
18 not a higher performing ad, right?

19 MR. BENJAMIN: Objection to form.

20 THE DEPONENT: I think what you've 01:11:51
21 identified is the fact that we should want to show
22 good ads because it's better for both people who
23 want to see better ads and don't want terrible ads
24 in their newsfeed and for advertisers because now
25 they're connected in with a user. 01:12:04

1 That is very different than a marketing 01:12:06
2 play that I think is being described here. It is
3 simply that we want better ads on the platform and
4 this is an example of that.

5 Q. (By Ms. Weaver) Why does Facebook want 01:12:17
6 better ads on the platform?

7 | A. To provide a free service to people.

8 Q. It's not because Facebook wants to make
9 more money?

10	You remember that you're under oath.	01:12:26
----	--------------------------------------	----------

11 A. We make money to provide a free service
12 to people.

13	Q. Okay. Does Facebook --
----	---------------------------

14	MR. BENJAMIN: An objection to the last	
15	question.	01:12:34

16 Q. (By Ms. Weaver) Does Facebook make more
17 money when people take more actions on ads?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: Yes.

20	Q. (By Ms. Weaver) Thank you.	01:12:51
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21 In preparing for your deposition, did you
22 review any reports that Facebook provides to
23 advertisers that reflects the metrics of their
24 advertising campaigns?

25	A. I -- I didn't review any specific	01:13:18
----	--------------------------------------	----------

1 reports. 01:13:20

2 Q. Do you review them on a daily basis?

3 A. Through the course of my job, no.

4 Q. Are they -- did you at one point when you

5 were in ads integrity? 01:13:31

6 MR. BENJAMIN: Objection --

7 THE DEPONENT: Review --

8 MR. BENJAMIN: Objection to scope.

9 THE DEPONENT: Review reports about

10 advertisers? 01:13:41

11 Q. (By Ms. Weaver) Let me rephrase the

12 question.

13 Facebook provides --

14 A. Yes.

15 Q. -- provides analytics to advertisers 01:13:45

16 through at least two kinds of tools, right?

17 A. Yes.

18 Q. What do those reports look like?

19 MR. BENJAMIN: Objection --

20 THE DEPONENT: In -- 01:13:56

21 MR. BENJAMIN: -- to form.

22 THE DEPONENT: In ads manager, it will

23 show for that ad, as an example, the aggregate

24 count of impressions or clicks it received and the

25 amount spent. The same information would be 01:14:07

1 provided in the API for someone to call if they 01:14:10
2 wanted outside of the UI.

3 Q. (By Ms. Weaver) And did you, in
4 preparing for this deposition today, review any
5 such reports? 01:14:20

6 A. I did not go and specifically look up an
7 ads report, no.

8 Q. Can you identify the -- all of the exact
9 metrics that are provided to advertisers?

10 MR. BENJAMIN: Objection to form and 01:14:37
11 scope.

12 THE DEPONENT: Not off the top of my
13 head. I can explain the buckets of performance
14 metrics that we provide.

15 Q. (By Ms. Weaver) Okay. What are the 01:14:52
16 buckets?

17 A. As I said, they're -- those center around
18 the -- the performance of the ad. So how many
19 impressions has it shown. How many clicks has it
20 generated. How many people have taken the action 01:15:06
21 that the advertiser, the -- that objective.

22 Ad score is also included and the amount
23 spend. So that an advertiser understands how their
24 ad is delivering on Facebook.

25 Q. And just to address again an out-of-scope 01:15:21

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1 objection, at the bottom of page 2 of Exhibit 657, 01:15:26
2 it says, "Ms. Leone will be prepared to discuss:
3 The metrics Facebook provides advertisers about
4 their advertisements, which Facebook provides
5 through its Ad Manager tool and Ads APIs." 01:15:39

6 So you can describe the buckets, but you
7 can't identify all of the specific metrics; is that
8 right?

9 A. I don't have memorized line item every
10 single metric. But, yes, the purpose and the fact 01:15:55
11 that we provide how the ad is delivering, the
12 actions people have taken, and the ad score and ad
13 spend.

14 Q. And has that changed over time from 2007
15 to the present? 01:16:10

16 A. Our UIs have changed over time and so the
17 format of those has changed, yes.

18 Q. And what has changed?

19 A. The way we display those has changed. As
20 we add in a new objectives, also the type of metric 01:16:28
21 that relates to it would have been added in as
22 well.

23 Q. When you say "type of metric that relates
24 to it," what do you mean?

25 A. For example, a click, or if you run a -- 01:16:39

1 a page like ad, we will show you how many people 01:16:42
2 actually liked the page from that ad, which is
3 different from if you run a website click ad, how
4 many people clicked because the action they took is
5 different. So the metric would -- would be related 01:16:59
6 to the action taken.

7 Q. How does Facebook decide what to charge
8 for the ads that it serves for advertisers?

9 A. Our -- there are two parts to this,
10 primarily. There's the advertiser sets a bid. So 01:17:23
11 they decide how much they want to pay to show the
12 ad to their desired audience.

13 And then in our ad auction, we take that
14 into account. We know for a given user all of the
15 ads they're eligible to see and the bids for those 01:17:42
16 ads. And out of the total value equation, we
17 determine which ads should win the auction. At
18 that point they are charged the second highest bid.

19 Q. And when you say you take into account an
20 ads a given user can see, does Facebook perform a 01:18:02
21 calculation of the revenue that has been associated
22 with given users?

23 A. Can you -- can you clarify what you mean
24 there?

25 Q. Does Facebook perform a calculation of 01:18:19

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1 revenue that has been associated with ads served to 01:18:21
2 a given user?

3 A. I understand you to mean whether we
4 calculate the total amount of -- that we were paid
5 for an impression to show a specific user? 01:18:35

6 Q. Yes.

7 A. No.

8 Q. Facebook does and can identify all the
9 ads that were shown to a specific user, right?

10 A. Yes. 01:18:48

11 Q. And Facebook can also calculate how much
12 it was paid for a given ad campaign in which those
13 ads were shown, right?

14 A. The total spend, yes.

15 Q. And so you would calculate the total 01:18:59
16 spend by the number of users who received that ad,
17 if you wanted to calculate the average revenue per
18 user, right?

19 MR. BENJAMIN: Objection to form.

20 THE DEPONENT: So calculating the total 01:19:13
21 spend of an ad would not get me to the individual
22 revenue from showing an ad to one user.

23 Q. (By Mr. Benjamin) If you divided the
24 number of users by the total spend, why wouldn't
25 that give you an average revenue per user? 01:19:28

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1 A. For that one ad? 01:19:31

2 Q. Or campaign, or for an ad, sure.

3 A. Sorry.

4 So to clarify, if you have the total
5 spend from a specific ad, and you know the 200 01:19:39

6 people who saw that ad, yes, you could divide the
7 total spend by the 200 impressions, and then say
8 there's a cost per impression.

9 Q. And does Facebook calculate whether
10 certain Facebook users generate more revenue for 01:19:58
11 Facebook than others --

12 A. No.

13 Q. -- based on their responses to
14 advertising?

15 A. No. 01:20:09

16 Q. So, in fact, all Facebook users are
17 viewed equally by Facebook with regard to the
18 amount of revenue that they generate for Facebook;
19 is that fair?

20 MR. BENJAMIN: Objection to form. 01:20:20
21 Misstates.

22 THE DEPONENT: I -- we just -- we don't
23 have an assessment of user by user revenue
24 associated with them.

25 Q. (By Ms. Weaver) Great. 01:20:38

1 Did Facebook at some time engage in 01:20:39
2 efforts to restrict advertisers' use of
3 advertising-related data?

4 MR. BENJAMIN: Objection to form.

5 THE DEPONENT: For advertising-related 01:21:08
6 data, do you mind clarifying kind of what you're --
7 what you're thinking of there --

8 Q. (By Ms. Weaver) Sure.

9 A. -- just so that I'm --

10 Q. Sure. 01:21:15

11 I'm -- I'm reading actually from your
12 counsel's letter ad page 3, and it says "Ms. Leone
13 will be prepared to discuss: Facebook's policies
14 restricting advertisers' use of advertising-related
15 data (i.e. limiting it to its 'use case')." 01:21:28

16 A. Yes.

17 Q. What is --

18 A. So --

19 Q. Go ahead -- let me ask the question.

20 A. Yeah. Yeah, please. 01:21:41

21 Q. What does advertising-related data mean
22 in that sentence?

23 A. I'm not 100 percent sure exactly what it
24 means here. But this is meant to indicate that we
25 have terms and policies around the use of data 01:21:57

1 that's related to ads, and this references that. 01:22:03

2 So as an example, we have custom audience
3 terms, and we have business tool terms.

4 Q. So what are the custom audience terms?

5 A. When someone uploads a customer list, 01:22:25
6 they agree to those terms. And those are the
7 policies that -- in order to use that product.

8 Q. What is a customer list?

9 A. A customer list is one of the types of
10 custom audiences. It's a targeting option that an 01:22:44
11 advertiser can use.

12 Q. Okay. Let's talk about custom audiences
13 for a minute and take a pause.

14 What are custom audiences?

15 A. Custom audiences was one of that -- that 01:22:59
16 kind of like third bucket of targeting tool types.
17 Within it, customer list is one where an advertiser
18 uploads a -- a list of their existing customers.

19 Q. And does Facebook then possess the
20 customer list? 01:23:20

21 A. No. We hash the list when an advertiser
22 uploads it, the identifiers in that list. And then
23 we compare it to our hash data to understand a
24 match. And then we delete the advertiser list.
25 And we do not send them back information about the 01:23:40

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1 users who matched. 01:23:44

2 Q. So what analytics does Facebook provide
3 advertisers who advertise through custom audiences?

4 A. When an advertiser creates a custom
5 audience -- or the customer list, specifically, 01:23:56
6 here -- they would understand within ranges the
7 size of it. And when they then use it for their
8 audience, they would get the same reporting metrics
9 that we -- or performance metrics that we provide
10 for any ad. 01:24:14

11 Q. And over time has the size of the -- of a
12 custom audience that an advertiser collects change?

13 MR. BENJAMIN: Objection to form.

14 THE DEPONENT: Can you clarify what you
15 mean by "advertiser collect" here? 01:24:28

16 Q. (By Ms. Weaver) Sorry.

17 Over time has the size of a custom
18 audience targeted by an advertiser changed?

19 MR. BENJAMIN: Objection to form.

20 THE DEPONENT: The customer list is 01:24:47
21 provided by the advertiser. That is something that
22 they decide. The size of and -- and bringing --
23 and uploading. So really this is -- is independent
24 of us. They -- they make that choice based on
25 their existing customers and their desired 01:25:04

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1 audience. 01:25:07

2 Q. (By Ms. Weaver) Does Facebook also
3 create custom audiences not from customer lists but
4 through other characteristics?

5 A. There were the two other types of custom 01:25:17
6 audiences. One is based on our business tools, so
7 website custom audiences or an app custom audience.
8 And then the other category was based on engagement
9 custom audiences, which is engagement with people
10 who have interacted with your page on Facebook. 01:25:37

11 Q. So what are website or app custom
12 audiences?

13 A. Website and app custom audiences are
14 reengagement through our business tools. So when a
15 website owner or an app developer has our business 01:25:58
16 tools, as an example, a website could say, "I'll
17 put the Pixel on the check-out."

18 They would then be able to use the
19 targeting tool to -- or the targeting option of
20 website custom audiences to reengage with people 01:26:15
21 who have taken that action on their website.

22 THE DEPONENT: And apologies. Is my
23 video jumpy to anyone else? It's a little bit --

24 Okay.

25 MS. WEAVER: We can go off the record, if 01:26:26

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1 THE DEPONENT: Those thresholds have -- 01:27:52
2 have changed -- they've increased. So for example,
3 it increased -- I know like for customer lists, it
4 is 100. We have to have 100 match in order to use
5 that audience. 01:28:12

6 Q. (By Ms. Weaver) This is as of 2022?

7 A. It is current, yes. And over time
8 that -- that was increased. There was always a
9 minimum, and I believe -- I don't know exactly what
10 that was. But it -- we've seen -- we have 01:28:29
11 revisited those thresholds. And we increased them,
12 I believe, in 2018.

13 Q. Do you know generally what range they
14 were in prior to 2018?

15 MR. BENJAMIN: Objection to form. 01:28:54

16 THE DEPONENT: I don't. I don't recall
17 specifically what they were.

18 Q. (By Ms. Weaver) Was it less than 20?

19 A. No. No.

20 Q. Was there any point in time in which 01:29:10
21 in -- from 2007 to the present, at which
22 advertisers could target custom audiences of
23 20 people or fewer?

24 MR. BENJAMIN: Objection to form.

25 THE DEPONENT: No, fewer than 20 people 01:29:28

1 is not allowed and it has not been allowed in a 01:29:29
2 custom audience. And we don't enable an advertiser
3 to target singular users. That's -- that's been --
4 that's partly why we have this protection in place.

5 Q. (By Ms. Weaver) And why is that? 01:29:41

6 Why won't Facebook allow advertisers to
7 target singular users?

8 A. That's not the way we've built our
9 targeting system. One of our core areas is that we
10 don't tell an advertiser who you are or provide 01:29:56
11 information to them for that purpose. And a -- a
12 protection to do that is to ensure that there is an
13 audience minimum.

14 Q. And I'm under- -- I understand you're
15 saying what. 01:30:09

16 But I'm asking again, why doesn't
17 Facebook allow individual users to be targeted?

18 A. Because we -- we don't want an advertiser
19 to have information about an individual user. That
20 is the way we've set up our system. 01:30:23

21 Q. And why doesn't Facebook want an
22 advertiser to have information about an individual
23 user?

24 MR. BENJAMIN: Objection to form. Asked
25 and answered. 01:30:33

1 THE DEPONENT: We -- we specifically tell 01:30:38
2 users that we don't tell an advertiser about them.
3 And we've consistently maintained that. And that's
4 also why we build our products to ensure that --
5 with the protection so that that's not the outcome. 01:30:49
6 Q. (By Ms. Weaver) And why does Facebook
7 specifically tell users that it will not allow
8 advertisers to individually identify them?
9 MR. BENJAMIN: Objection to form.
10 THE DEPONENT: I'm not sure how to answer 01:31:07
11 this differently.
12 But it's -- our system -- we -- we built
13 our system with that as a guiding principle because
14 we think that's an important part of being on
15 Facebook and so we've maintained that. And these 01:31:18
16 are some of the protections that help to maintain
17 that.
18 Q. (By Ms. Weaver) Is it because Facebook
19 has promised users privacy?
20 MR. BENJAMIN: Objection to form. Asked 01:31:30
21 and answered.
22 THE DEPONENT: I -- I think -- we're very
23 up front with users that we show ads and how our
24 system works, including this portion of it. And
25 this helps us ensure that that's the case. 01:31:47

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1 I don't think we've -- we relate it to a 01:31:50
2 nondefined concept of privacy in the way that we're
3 talking about it right now.

4 Q. (By Ms. Weaver) So Facebook is not
5 preventing advertisers from targeting individual 01:32:05
6 users because of privacy concerns; is that your
7 testimony?

8 A. That is not my testimony.

9 MR. BENJAMIN: Objection. Yeah, and
10 objection -- 01:32:16

11 MS. WEAVER: I'm just trying to get --

12 MR. BENJAMIN: I'm sorry.

13 MS. WEAVER: I'm sorry.

14 MR. BENJAMIN: We went out of order.

15 Sorry. 01:32:20

16 Objection to form. Misstates.

17 Argumentative.

18 You can answer.

19 THE DEPONENT: It's not my testimony.

20 Q. (By Ms. Weaver) I'm going to ask you 01:32:26
21 again, is Facebook preventing advertisers from
22 targeting individual users to protect users'
23 privacy?

24 A. We do not want -- we don't allow an
25 advertiser to target an individual user. And we 01:32:45

1 don't tell advertisers who saw their ad so that 01:32:48
2 they learn about individual users. And we -- we
3 state that to users.

4 Q. I just -- this is -- this is getting very
5 frustrating in this deposition because you're just 01:33:00
6 repeating the facts and I am trying to ask why.

7 So what is the reason that Facebook built
8 its platform so that in -- advertisers could not
9 target individual users?

10 MR. BENJAMIN: Objection to form. 01:33:19
11 Argumentative. Asked and answered.

12 You can answer.

13 THE DEPONENT: This is one of our guiding
14 principles for our ad system. It's part of how
15 we've built it and how we help users understand and 01:33:32
16 maintain their trust with Facebook.

17 Q. (By Ms. Weaver) Can you confirm that one
18 of the reasons Facebook did that was to protect
19 users' privacy?

20 MR. BENJAMIN: Objection to form. 01:33:47

21 THE DEPONENT: Can you provide an example
22 of what it is you mean by users' privacy and
23 protecting it?

24 Q. (By Ms. Weaver) Well, let me go back to,
25 you said it was a guiding principle of Facebook, 01:33:57

1 right? 01:34:00

2 A. For building our ad system, yes.

3 Q. Why is it a guiding principle?

4 A. Because we wanted to ensure that people

5 both like trust the information they provide us and 01:34:14

6 continue to use our platform. And this was one of

7 the areas where that was important.

8 MS. WEAVER: Thank you.

9 MR. BENJAMIN: Ms. Weaver, we've been --

10 we've been going for a good time, over an hour. 01:34:29

11 Would -- would now be a good time for a

12 break?

13 MS. WEAVER: Just give me a moment.

14 MR. BENJAMIN: Of course.

15 Q. (By Ms. Weaver) You said that Facebook 01:34:43

16 at no time allowed advertisers to target a custom

17 audience of 20 or fewer.

18 Do you recall that?

19 A. Fewer than 20.

20 MR. BENJAMIN: Objection. Misstates 01:34:54

21 testimony.

22 Q. (By Ms. Weaver) Right.

23 What is the -- what is the lowest number

24 that Facebook has permitted advertisers to target

25 in terms of the size of a custom audience? 01:35:04

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1	A. I believe the customer list is 20.	01:35:08
---	---------------------------------------	----------

2 Q. And what is the lowest number for the
3 other two kinds of audiences?

4	A. I believe also 20.
---	-----------------------

5	MS. WEAVER: Great.	01:35:27
---	--------------------	----------

6	We can take a break.
---	----------------------

7 THE VIDEOGRAPHER: Okay. We're off the
8 record. It's 1:35 p.m.

9	(Recess taken.)
---	-----------------

10	THE VIDEOGRAPHER: We're back on the	01:55:02
----	-------------------------------------	----------

11 record. It's 1:55 p.m.

12 (Exhibit 658 was marked for
13 identification by the court reporter and is
14 attached hereto.)

15	MS. WEAVER: I'm going to show you what	01:55:09
----	--	----------

16 has been marked -- or will be marked Exhibit 658.

17 And for the record, it bears

18 Bates numbers FB-CA-MDL-03969899 through -907.

19 And I think it's up.

20	THE DEPONENT: I have it up.	01:55:33
----	-----------------------------	----------

21 Q. (By Ms. Weaver) Okay. Great.

22 When you have a moment, please just tell
23 me what it is.

24 A. This was similar -- like a blog post that

25	we put on our business blog that explains machine	01:55:54
----	---	----------

1 learning in ad delivery. 01:55:57

2 Q. And looking to the second page of the
3 document ending in Bates number -- -900 are the
4 last three digits.

5 A. Yup. 01:56:08

6 Q. Do you see where it says -- first, "How
7 does Facebook decide which ads to show people," and
8 then there's an answer below the question, right?

9 A. Yes.

10 Q. And the second paragraph begins -- or 01:56:18
11 second paragraph begins "First, advertisers choose
12 their target audience through our self-service
13 tools."

14 Do you see that?

15 A. Yes. 01:56:30

16 Q. So specifically, which target audience is
17 this document referring to here?

18 A. This refers to the audience selection
19 tools that an advertiser has in ads -- in something
20 like ads manager. 01:56:47

21 I don't know if you mean specifically
22 what does the hyperlink go to.

23 Q. Well, that would be helpful, too.

24 A. Okay. That I don't know off the top of
25 my head. So that might be -- yeah. 01:56:59

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1 Q. Earlier you described different kinds of 01:57:02
2 custom audiences.

3 Do you recall that?

4 A. Yes.

5 Q. So which audiences are being described 01:57:07
6 here?

7 A. This paragraph describes the totality of
8 the way an advertiser can select their audience.
9 It's not specific to custom audiences.

10 Q. So when, for example, an advertiser wants 01:57:21
11 to use behaviors to target, they first start here
12 with this target audience; is the right?

13 A. What this sentence refers to is in ads
14 manager when someone goes in to select their
15 desired audience, it's talking about all of the 01:57:39
16 options there of which one is behaviors. One
17 category is behaviors. Custom audience is another
18 category.

19 Q. Okay. And looking at the next page
20 ending at Bates number -901, do you see a graph on 01:57:55
21 that page?

22 A. I see the total value equation drawn out.

23 Q. What is the total value equation?

24 A. Total value equation is the description
25 of our ad auction in the -- in -- in ad delivery. 01:58:13

1 Q. I'm sorry. 01:58:20
2 You said it's the "description of our ad
3 auction in ad delivery"?
4 A. Our -- so -- sorry.
5 Our ad delivery -- choosing the ad that 01:58:35
6 we will show someone is based on our auction.
7 Total value score is how we make that
8 determination. It's the machine learning that is
9 used in ad delivery to make the determination of
10 which ad wins the auction. 01:58:52
11 Q. Okay. So the algorithm is performing an
12 analysis of the three factors below the words
13 "Total Value" in the graph to determine which ad is
14 shown; is that right?
15 A. Multiple -- yes. Machine learning models 01:59:06
16 are performing that, yes.
17 Q. And even though it says "Total Value,"
18 what that actually means is the ad that is shown?
19 A. Every ad that a person is eligible to see
20 receives a total value score, and then the ad that 01:59:19
21 has the highest total value score wins the auction.
22 Q. And when it wins the auction --
23 A. It doesn't show.
24 Q. -- is Facebook then paid revenue for the
25 total value ad that's selected? 01:59:39

1 MR. BENJAMIN: Objection -- 01:59:44

2 THE DEPONENT: The ad that --

3 MR. BENJAMIN: Objection to form.

4 THE DEPONENT: And apologies. I didn't

5 mean to interrupt your question there. 01:59:50

6 The total value score is calculated. The

7 one with the highest total value wins the auction

8 and that is the ad we show a user. An advertiser

9 pays for the performance of their ads and the

10 number of times an ad is shown. 02:00:04

11 Q. (By Ms. Weaver) Got it.

12 So looking at the components of total

13 value, there's the "Advertiser Bid," which we

14 discussed, right?

15 A. Yes. 02:00:15

16 Q. And then it says "Estimated Action Rate."

17 What is that?

18 A. The estimated action rate is the

19 likelihood of someone taking the action that aligns

20 with the advertiser's objective. 02:00:26

21 Q. And this document describes that as the

22 business objective, right?

23 A. Yes, that's the name of the -- the ad

24 objective.

25 Q. And that could be a click or a view or an 02:00:41

1 impression, or something else, right? 02:00:43

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: Yes. It could be that the
4 advertiser is trying to -- has an ad with a call to
5 action to go to a website to sign up to like a page 02:00:58
6 for brand awareness. Those are their objectives.
7 Why are they running this ad.

8 Q. (By Ms. Weaver) And how does Facebook
9 calculate the estimated action rate?

10 A. The estimated action rate, which is for 02:01:16
11 the person we're thinking about showing this ad to,
12 is the likelihood that they will take that action.
13 And that's based on their activity on Facebook.
14 These are the machine-learning models that are --
15 that are involved. And they take into 02:01:31
16 consideration activity on Facebook. So the pages,
17 an ad someone has interacted with. The way they've
18 interacted with those. And then also activity off
19 of Facebook such as on websites and apps.

20 Q. And just to clarify testimony earlier, 02:01:49
21 for detailed targeting, the underlying activity
22 that is the basis for determining interests and
23 behaviors, are those the same set of inputs?

24 And let me just -- I'll ask a bad
25 question and then I'll ask a good one. 02:02:28

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1 I thought when we talked the first time 02:02:30
2 that interests were not based on off-platform
3 activity and that they were limited to maybe only
4 pages and groups. But that behaviors -- incurred
5 behaviors are based on basically almost all the 02:02:40
6 activity on Facebook with some exemptions and
7 off-platform.

8 MR. BENJAMIN: Objection to form.

9 Q. (By Ms. Weaver) Is that roughly
10 accurate? 02:02:56

11 A. You're correct that there are distinction
12 between interests and behaviors. Interests are
13 based on on-site page and ad interaction.
14 Behaviors are a broader set of activity on-site.

15 Yeah, I think that clarifies kind of what 02:03:08
16 you were getting at.

17 Q. Okay. And -- and behavior is also
18 offsite, correct?

19 MR. BENJAMIN: Objection to form.

20 THE DEPONENT: No, I -- so behavior 02:03:28
21 targeting options are not offsite.

22 Earlier when we were discussing
23 behavioral targeting, I was referencing the broader
24 personalization including ad delivery.

25 Q. (By Ms. Weaver) Okay. Now, for the 02:03:43

1 estimated action rate, what is the core set of 02:03:45
2 inputs and activities that help Facebook derive the
3 estimated action rate?

4 MR. BENJAMIN: Objection to form.

5 THE DEPONENT: It is on-site behavior. 02:03:58

6 So, again, people's activity on Facebook and
7 offsite based on our third -- our -- our business
8 tools and information that's shared back with us.

9 Q. (By Ms. Weaver) And then is an algorithm
10 performing an analysis to predict the next possible 02:04:16
11 action a user might make?

12 A. The estimated action rate is the
13 likelihood that the user takes an action and it
14 uses those -- the -- the machine learning
15 classifiers use that activity as input. 02:04:34

16 Q. Okay. And for "Ad Quality" -- I know we
17 covered this.

18 But for the record and clarity, ad
19 quality -- what is the core set of data that
20 Facebook draws upon to determine ad quality? 02:04:48

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: It's the content of the
23 ads. So what an assessment, for example, of click
24 bait and our understanding of the -- the content of
25 that ad, as well as users' feedback such as X outs, 02:05:03

1 which is reporting. 02:05:09

2 Q. (By Ms. Weaver) And the higher the ad
3 quality, and the higher the estimated action rate,
4 the better the total value for the advertising,
5 right? 02:05:27

6 A. The higher the ad quality and the higher
7 the estimated action rate, the higher the total
8 value score will be.

9 Q. And then do higher total value scores
10 correlate with increased revenue to Facebook? 02:05:41

11 MR. BENJAMIN: Objection to form and
12 scope.

13 THE DEPONENT: I think to -- to make this
14 very clear, the way we've built this total value
15 score helps ensure that it's not just the highest 02:05:55
16 bidder that wins the action. Otherwise we would
17 just say whoever is highest bidding gets the spot
18 on the ad. By including estimated action rate and
19 ad quality, we're actually taking into
20 consideration people's preferences of what they 02:06:12
21 would want to see and the quality of that ad.

22 And it actually means that the highest
23 bidder is not always going to be the winner. So
24 better ads that are more relevant are the ones that
25 win and then an advertiser pays for. 02:06:27

1 Q. (By Ms. Weaver) And when Facebook is 02:06:31
2 serving better ads, Facebook is more successful
3 financially, right?

4 MR. BENJAMIN: Objection to form. Asked
5 and answered. Vague. And outside of scope. 02:06:39

6 THE DEPONENT: When we serve better ads,
7 people's experience is better. And that is a
8 common goal of ours across the board.

9 Q. (By Ms. Weaver) Does Facebook's revenue
10 increase when they make -- serve better ads? 02:06:55

11 MR. BENJAMIN: Same objections.

12 THE DEPONENT: As compared to when we
13 serve bad ads?

14 Q. (By Ms. Weaver) Yes.

15 A. I don't think we can -- yeah. I don't 02:07:07
16 know that that is a comparison we make because we
17 strive to show good ads. So I don't have a
18 comparison point there.

19 Q. Do advertisers put advertising on
20 Facebook if they feel like their advertisements are 02:07:19
21 not effective?

22 MR. BENJAMIN: Objection to form. Calls
23 for speculation. Outside of scope.

24 THE DEPONENT: If an advertiser does not
25 see performance on an ad, that -- they will use 02:07:35

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1 that information for how they then choose to spend 02:07:39
2 their money across platforms.

3 Q. (By Ms. Weaver) Okay. So is it -- just
4 one last question.

5 The user activity, just for the record, 02:07:51
6 that Facebook uses to analyze and create the
7 estimated action rate and the ad quality is not
8 limited only to publicly shared activity, it
9 includes private activity as well, correct?

10 MR. BENJAMIN: Objection to form. Asked 02:08:11
11 and answered.

12 THE DEPONENT: What I shared earlier is
13 relevant here as well. We don't have a dichotomy
14 of private and public activity. And so it's not
15 limited in that manner because it's not the way our 02:08:24
16 product works.

17 MS. WEAVER: Okay. Thank you.

18 (Exhibit 659 was marked for
19 identification by the court reporter and is
20 attached hereto.) 02:08:28

21 MS. WEAVER: We're going to mark tab 4,
22 Josh, if you don't mind.

23 We'll mark as Exhibit 659 a document
24 bearing Bates numbers -03526129 through -133.

25 Q. (By Ms. Weaver) And while we're waiting 02:09:10

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1 for it to load, what is a keyword? 02:09:11

2 A. I'm -- I'm not sure what we're
3 referencing.

4 Q. Okay. Do you -- have you used the phrase
5 "keywords" in the context of advertising at 02:09:22
6 Facebook?

7 MR. BENJAMIN: Objection to form.

8 THE DEPONENT: It is not a type of
9 targeting we offer. It is how we describe what an
10 advertiser inputs in a search to select the 02:09:38
11 matching interests.

12 So as I described, an advertiser
13 selects -- creates an ad, selects their -- their
14 desired audience. And they could input something
15 like Nike and see the interests that match that in 02:09:54
16 order to select that interest. That's effectively
17 a search keyword.

18 Q. (By Ms. Weaver) And does Facebook have
19 limitations on what keywords advertisers can use?

20 A. So, again, to be clear, it's not that 02:10:14
21 we're providing them keywords. The keyword is what
22 an advertiser chooses to search. They can search
23 against whatever they want. But we've had
24 interests that we provide. And if their keyword
25 matches, we'll render that interest. 02:10:29

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1 Q. Okay. I'm sorry. 02:10:30

2 The question I asked was, does Facebook
3 limit what keywords advertisers can use?

4 A. Do you mean --

5 MR. BENJAMIN: Objection to form. 02:10:39
6 Argumentative. Asked and answered.

7 THE DEPONENT: Can you clarify what you
8 mean --

9 Q. (By Ms. Weaver) I'm not saying Facebook
10 is providing the keyword, right? 02:10:47

11 A. I understand.

12 Q. Advertisers are using a keyword.

13 Does Facebook say you can't use these
14 kinds of keywords?

15 A. Can you clarify what you mean by "use," 02:10:56
16 for -- from the advertiser perspective?

17 Q. You said a keyword can be used to search
18 against whatever the advertiser is looking for,
19 right?

20 A. So an advertiser can input a word, a 02:11:11
21 keyword.

22 Q. Right.

23 A. We don't limit what they search for, but
24 we limit what we will return to our interests. And
25 we don't provide anything as an interest. 02:11:24

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1 So there is a limitation on what an 02:11:27
2 advertiser could use for targeting. They could
3 choose to search any number of words, but those
4 won't all have a matching interest that's actually
5 used for targeting. 02:11:41

6 Q. Okay. I -- I think I understand the
7 distinction you're making, but I'm not sure because
8 it's one of two things.

9 Can an advertiser search for a word, but
10 then it just won't be used in the advertisement; is 02:11:55
11 that what you're saying, because I don't understand
12 the difference?

13 A. I'm saying -- the difference is we have
14 the interests that we provide as part of the
15 selection of the target or -- or the desired 02:12:12
16 audience. And in order for an advertiser to find
17 which interests they want to use for targeting,
18 they can input a search term.

19 If that search term has no matches, then
20 there won't be anything that's added as part of the 02:12:28
21 criteria for their targeting.

22 If it has a match, they can then select
23 from those matches to say I want -- if I type in
24 shoes, as an advertiser, and there is an interest
25 that matches that keyword search, then we'll show 02:12:42

```
1 |   them shoes and they can select that interest in           02:12:45
2 |   order to -- to find their target audience.
```

3	Q. Right.
---	-----------

4	And so if the -- are there any	
5	limitations on the search terms that will actually	02:12:55
6	be employed by Facebook, other than it's not one of	
7	the interests?	

8 MR. BENJAMIN: Objection.

9 THE DEPONENT: The only --

10	MR. BENJAMIN: Objection to form.	02:13:06
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11 THE DEPONENT: The way we use those
12 search terms is to render an interest for the
13 advertiser to choose from. If it doesn't have a
14 match, there's no other use for that keyword search
15 term they've inputted. 02:13:22

16 Q. (By Ms. Weaver) Does Facebook have any
17 restrictions on what search terms advertisers can
18 use as --

19 MR. BENJAMIN: Objection.

20 Q. (By Ms. Weaver) -- as a matter of 02:13:31

21 policy?

22 MR. BENJAMIN: Objection to form. Asked
23 and answered. Scope.

24 THE DEPONENT: There isn't a limit for

25 what an advertiser can type into the search box. 02:13:42

1 It has to actually match -- in order to be used for 02:13:47
2 targeting, they have to select an interest from
3 those search results.

4 Q. (By Ms. Weaver) But you're not aware of,
5 for example, certain words being blacklisted -- or 02:13:56
6 I hear the new phrases -- deny listed by Facebook
7 for use in keyword searches?

8 MR. BENJAMIN: Objection to form.

9 THE DEPONENT: No.

10 Q. (By Ms. Weaver) Okay. Well, let's take 02:14:16
11 a look at Exhibit 658 -- oh, no. Sorry 659.
12 Apologies.

13 A. I have it up.

14 Q. And the first question is, have you seen
15 this document before? 02:14:33

16 A. Yes. I saw it as part of prep for this
17 deposition.

18 Q. Okay. In the second sentence -- well,
19 let's start, do you see where the first -- the
20 email on top says, "Hi John, As a technical matter, 02:14:45
21 you can target based on specific keywords in a
22 status update or group membership. However, our Ad
23 Guidelines prohibit advertisers from 'imply[ing] by
24 targeting...a user's personal characteristics
25 within the following categories," and then it lists 02:15:02

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1 "race or ethnic origin; religion or philosophical 02:15:04
2 belief; age; sexual orientation or sexual life;
3 gender identity; disability or medical condition;
4 financial status or information; membership in a
5 trade union; and criminal record." 02:15:18

6 Do you see that?

7 A. Yes.

8 Q. And so is it true that Facebook prohibits
9 advertisers from using the keywords relating to the
10 topics described there? 02:15:30

11 A. This policy --

12 MR. BENJAMIN: Objection.

13 THE DEPONENT: This policy prohibits
14 advertisers -- this is one of our content
15 policies -- and it disallows advertisers from 02:15:44
16 calling out any of these attributes in the content
17 of their ad.

18 Q. (By Ms. Weaver) And what -- why does
19 Facebook have that policy?

20 A. This policy exists because we understand 02:15:59
21 that people don't want their attributes called out
22 in an ad.

23 Q. And how long has this policy been in
24 effect?

25 A. Many years. This is like pre 2008 02:16:13

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1 policy. 02:16:16

2 Q. And among the attributes that users don't
3 want called out in an ad is age and gender
4 identity, right?

5 A. Correct. 02:16:28

6 Q. Now, when we talked about core audiences,
7 you said that for core audiences Facebook targets
8 age and gender, right?

9 A. Yes.

10 Q. Why is there a distinction? 02:16:38

11 A. Again, this is about the ad content. An
12 ad content cannot call out people's specific
13 attributes.

14 Q. What does -- how does core audience
15 function? 02:16:54

16 A. It's not about the content --

17 MR. BENJAMIN: Object -- objection to
18 form.

19 THE DEPONENT: It's not about the content
20 of an ad. 02:17:00

21 Q. (By Ms. Weaver) Meaning people are being
22 targeted by their age or gender, but the content of
23 the ad doesn't reveal it?

24 A. We -- we don't allow content of the ad to
25 call out these attributes. That is completely 02:17:13

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1 separate from the audience selection by the 02:17:18
2 advertiser.

3 Q. So people can be targeted by their age or
4 gender, but Facebook just doesn't want the ad
5 itself to reveal to the user that they are being 02:17:31
6 targeted by their age or gender, among other
7 things; is that right?

8 MR. BENJAMIN: Objection to form.
9 Argumentative. Mischaracterizes.

10 THE DEPONENT: We provide transparency 02:17:45
11 into the targeting options so a user has "Why Am I
12 Seeing This," and they would be able to understand
13 the targeting options. So that's not the
14 rationale. They still have that information. This
15 is a content policy. 02:17:59

16 Q. (By Ms. Weaver) When people receive an
17 ad, do they know in the moment that they receive it
18 that they're being targeted because of their age or
19 gender, especially if the ad hides that fact by not
20 referencing it? 02:18:18

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: I think that assumes that
23 all ads would reference it. But the -- the user
24 would see an ad, they know that ads are sponsored
25 content and involve targeting. They also have the 02:18:30

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1 tool to see those specific parameters. 02:18:33

2 Q. (By Ms. Weaver) Okay. Let me ask this,
3 why is it that Facebook concluded that people don't
4 want to see ads that, on their face, target them by
5 "race or ethnic origin; religion or philosophical 02:18:50
6 belief; age; sexual orientation or sexual life;
7 gender identity; disability or medical condition
8 (including physical or mental health); financial
9 status or information; membership in a trade union;
10 and criminal record"? 02:19:06

11 MR. BENJAMIN: Objection to form and
12 scope.

13 THE DEPONENT: We understood that people
14 did not like those ads, and we made it a policy to
15 not allow that -- the content to call out people's 02:19:17
16 attributes.

17 Q. (By Ms. Weaver) How did Facebook decide
18 that people do not like the ads that focus on the
19 attributes that I just described?

20 MR. BENJAMIN: Objection to form. Scope. 02:19:31

21 THE DEPONENT: In the content -- this is
22 from my personal experience, because it -- not
23 related to ad targeting. We understand from my --
24 the way I've understood this policy, we measure
25 X outs, et cetera. And so we know which ads have 02:19:50

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1 an X out, and this is an example of where that can 02:19:53
2 inform our policies.

3 Q. (By Ms. Weaver) For the record, what do
4 you mean by "X out"?

5 A. Oh, apologies. Reports. 02:20:01

6 Q. I'm sorry. What's that --

7 A. When -- when someone sees an ad, they
8 have the ability to say, "I don't want to see this
9 ad." That is one way that we understand ads that
10 people do and don't want to see as -- and from my 02:20:14
11 understanding, that's how we develop policies like
12 this.

13 Q. And for this policy, which you said was
14 developed in pre 2008, what was the information
15 that Facebook relied on in determining that people 02:20:28
16 don't want to see ads that, in their content,
17 target them for these characteristics?

18 A. I'm not an expert in our ad content
19 policies and their early development. That's
20 outside of ad targeting. The -- but, in general, 02:20:47
21 we use feedback signals. X outs is an example of
22 that.

23 Q. So, in fact, Facebook may target users
24 because of "race or ethnic origin; religion or
25 philosophical belief; age; sexual orientation or 02:21:05

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1 sexual life; gender identity; disability or medical 02:21:08
2 condition (including or physical or mental health);
3 financial status or information; membership in a
4 trade union; and criminal record," but Facebook's
5 policy is just not to make it apparent in the 02:21:22
6 content of the ad; is that fair?

7 MR. BENJAMIN: Objection. Argumentative.
8 Misstates. Asked and answered. Outside the scope.

9 THE DEPONENT: No, that's not accurate.
10 We don't provide targeting options based on this 02:21:39
11 data on many -- a lot of the data you read out.
12 And this is specifically a content policy. It is
13 distinct from the targeting options we provide.

14 Q. (By Ms. Weaver) Facebook does target
15 people based on age and gender, correct? 02:21:55

16 A. Correct. The rest of the list, no.

17 Q. Does Facebook draw inferences about
18 users' financial status or information to determine
19 what action they might next take?

20 A. No. 02:22:12

21 MR. BENJAMIN: Objection -- objection to
22 form.

23 Q. (By Ms. Weaver) Does Facebook use any of
24 the categories identified in Exhibit 659 in its
25 analyses about estimated actions? 02:22:21

A. These categories -- we don't have all of
these categories. Like we do not collect race or
ethnic origin. We don't collect disability or
medical condition, financial status, trade union
membership and criminal record.

6 And we don't create inferences about
7 these -- any of these to determine the attribute or
8 predict someone's attribute.

9 Q. Is it your testimony, on behalf of
10 Facebook, that at no point in time did Facebook 02:22:59
11 infer ethnic origin or race about users?

12 A. Yes, we did not infer people's
13 characteristic, their ethnic or racial origin. And
14 maybe I should -- I was -- no, we did not. I was
15 saying "yes" to your question to clarify. 02:23:21

16 Q. Do you see a reference here to the
17 minimum cluster size in this document under
18 there -- there's a box here that says "Redacted -
19 Privileged."

20 A. Yes, I see the reference. 02:23:41

21	Q. What is "minimum cluster size"?
----	------------------------------------

22 A. This is similar to what we discussed
23 about the minimum audience size we will allow for
24 an ad to run -- or we require.

25	Q. Sorry.	02:23:55
----	-----------	----------

1 not a similar medical condition field that people 02:25:29
2 fill out or provide.

3 Q. Right.

4 But if there are conditions, for example,
5 that -- you know, asthma, or something like that, 02:25:40
6 does -- does Facebook infer things about users
7 based on that information?

8 MR. BENJAMIN: Objection.

9 THE DEPONENT: We don't -- we don't have
10 that information. 02:25:55

11 Q. (By Ms. Weaver) What if I click on a
12 page for a medical provider, what does Facebook do
13 with that information?

14 MR. BENJAMIN: Objection --

15 THE DEPONENT: We -- 02:26:05

16 MR. BENJAMIN: -- to form.

17 THE DEPONENT: We would know you clicked
18 on a page from a medical provider. We're not
19 making an inference about your medical condition.

20 Q. (By Ms. Weaver) And what does Facebook 02:26:15
21 do with the information that I clicked on a page
22 for a medical provider?

23 MR. BENJAMIN: Objection to form and
24 scope.

25 THE DEPONENT: Within the context of ads, 02:26:27

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1 as we've discussed, page engagement can -- can 02:26:29
2 inform the future ads people see.

3 Q. (By Ms. Weaver) And what if my friend
4 posts something about a cancer survivor group and I
5 like it, does that activity, which would otherwise 02:26:50
6 be included in behaviors, inform what behaviors I
7 might be included in?

8 MR. BENJAMIN: Objection to form.

9 THE DEPONENT: We don't have a behavior
10 targeting option that is about -- like cancer, 02:27:19
11 friends of cancer survivors. That's not a
12 targeting option.

13 Q. (By Ms. Weaver) Does Facebook use that
14 information in determining my estimated actions?

15 A. We don't use the content of your friend's 02:27:45
16 post. That's not something we use currently.

17 Q. Did Facebook use the contents of my
18 friend's posts at any point in time from 2007 to
19 the present?

20 A. No. 02:28:03

21 Q. So why did you say "currently"?

22 MR. BENJAMIN: Objection. Form.
23 Argumentative.

24 THE DEPONENT: I was -- I was just
25 honestly repeating the tense of the question. It 02:28:15

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1 wasn't meant to be an exclusion. 02:28:18

2 Q. (By Ms. Weaver) Do you understand how
3 the algorithms work and what inputs they use to
4 create estimated actions?

5 MR. BENJAMIN: Objection to form. 02:28:39
6 Compound. Vague.

7 THE DEPONENT: I understand the machine
8 learning that -- that is how we generate the
9 estimated action rate and the inputs that they use.

10 Q. (By Ms. Weaver) And what are the inputs 02:28:54
11 for the machine learning that you just mentioned?

12 A. On-site activity and offsite activity
13 through our business tools.

14 Q. And specifically what on-site activity?

15 MR. BENJAMIN: Objection to form. Asked 02:29:09
16 and answered.

17 THE DEPONENT: The ad engagement, page
18 engagement, people's activity. The info they
19 provide to us. Those are all parts of that
20 estimated action rate. 02:29:18

21 Q. (By Ms. Weaver) Does it consider what
22 actions I take with regard to content my friends
23 post?

24 A. No.

25 Q. Does it consider the contents of what I 02:29:43

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1 post? 02:29:45

2 A. No.

3 Q. Okay. I'm going to return to a topic we

4 began a while ago on page 3 of Exhibit 656.

5 We were discussing "Facebook's policies 02:30:21

6 restricting advertisers' use of advertising-related

7 data (i.e. limiting it to its 'use case')." "

8 Do you recall that?

9 A. I'm sorry. On 656?

10 Q. I'm sorry. Let me make sure I have the 02:30:36

11 right -- 657.

12 I'm -- I'm sorry. That's my fault.

13 A. Yes, I have it up.

14 Q. So do you recall the bullet point on

15 page 3 that we began discussing but did not 02:30:47

16 complete?

17 A. Yes.

18 Sorry. I'm trying to find the exact

19 wording on here.

20 Q. No problem. 02:30:56

21 A. Yes.

22 Q. So what does -- what are Facebook's

23 policies restricting advertisers' use of

24 advertising-related data?

25 A. There are a few relevant policies. As an 02:31:18

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1 example, our customer list policies limits the way 02:31:21
2 people can use that information. Our business
3 tools do as well.

4 And we also require -- do not allow
5 advertisers to use information that they understand 02:31:34
6 from the ad for purposes other than understanding
7 the performance of their ad.

8 Q. What policies in particular are you
9 referring to?

10 MR. BENJAMIN: Objection. 02:31:50

11 THE DEPONENT: I don't -- I -- I can look
12 up the exact like policy number, the -- do you mean
13 like in those terms which number?

14 Q. (By Ms. Weaver) Just descriptively, what
15 policies are you referring to? 02:32:02

16 A. All of those terms have policies that
17 restrict how an advertiser -- and the requirements
18 for that data and disallow an advertiser from
19 taking specific actions with it.

20 So as an example, our policy -- our ad 02:32:19
21 guidelines, ad policies disallow an advertiser from
22 using ad targeting to harass or provoke people. It
23 also disallows advertisers from taking information
24 to -- for purposes other than understanding the
25 performance of their ad. 02:32:38

1 Q. Okay. What we're talking about here are 02:32:40
2 the advertising of -- using advertising-related
3 data beyond a use case, right?

4 A. Yes.

5 Q. What is a use case? 02:32:52

6 A. To place the ad --

7 Q. You're saying --

8 A. -- in this context.

9 Q. -- for advertisers, the use case should
10 be limited solely to placing an ad; is that right? 02:33:02

11 A. Placing the ad and the -- the performance
12 of that ad.

13 Q. And what does advertising-related data
14 mean in this context?

15 A. Related to ad targeting and ad delivery, 02:33:23
16 it means the way an advertiser sets up their --
17 their ad and the performance of that ad.

18 Q. Does that exclude information about who
19 receives the ad and the engagement or action rate?

20 MR. BENJAMIN: Objection to form. 02:33:52

21 THE DEPONENT: Let me know if this
22 answers your question.

23 We -- we don't provide advertisers
24 with -- who has seen their ad at an individual user
25 level. That's not something we give them. 02:34:03

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1 They understand -- they are provided 02:34:05
2 performance metrics that are aggregated, and those
3 are for the purpose of understanding the
4 performance of that ad. That's the use case.

5 Q. (By Ms. Weaver) So at some point in 02:34:17
6 time, when the audience -- minimum audience number
7 was 20, an advertiser could identify 20 people from
8 its customer list, run an ad, and then Facebook
9 would provide aggregated -- meaning aggregated for
10 those 20 people -- how many people took action, for 02:34:36
11 example; is that right?

12 MR. BENJAMIN: Objection to form. Calls
13 for speculation.

14 THE DEPONENT: An advertiser could create
15 a custom customer list. It would have to have at 02:34:49
16 least 20 matches in order for it to be used in an
17 ad. They could then run that ad. And we would
18 show the reporting metrics related to that ad,
19 again, in an aggregated form.

20 Q. (By Ms. Weaver) And what are the 02:35:05
21 reporting metrics that Facebook would provide for
22 that ad?

23 A. These were the metrics categories that --
24 that I covered earlier of impressions -- so number
25 of impressions. Number of clicks. Ad spend. 02:35:17

1 Ad score. 02:35:21

2 Q. And for these 20 people, how many
3 categories of interests could an advertiser seek?

4 MR. BENJAMIN: Objection to form.

5 Misstates. 02:35:38

6 THE DEPONENT: Can you clarify what you
7 mean by an advertiser could seek interests?

8 Q. (By Ms. Weaver) Sure.

9 So I'm -- here's my audience of 20, and I
10 want to identify the following 10 categories of 02:35:47
11 interests.

12 Was there a cap on the number of
13 interests or behaviors that an advertiser could
14 identify to target the 20 people?

15 A. An advertiser can use a customer list and 02:36:07
16 they can use additional targeting options with that
17 list. But an ad cannot add audience, cannot be
18 narrowed be- -- below the threshold in order for us
19 to deliver it.

20 Q. I'm not talking about the audience now. 02:36:22
21 I'm talking about the characteristics that are
22 being focused on, right, the interests or the
23 behaviors.

24 Was there a cap on the behaviors that
25 could be used to target the audience? 02:36:33

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A. There is not a cap in the number of behaviors someone can choose. But if choosing those behaviors drops the audience below a certain level, we will not deliver that ad.

5 Q. And what is the level below which it may 02:36:49
6 not drop?

7	A. It is 100 people.
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8 Q. And why is the limit 100 people?

9 A. When we've done assessments of -- across
10 our system to ensure that people aren't able to 02:37:11
11 reidentify, that was one of the -- that was a
12 threshold that we felt comfortable with as a
13 prevention.

14	Q. When was the 100 people threshold	
15	established?	02:37:24

16 A. I believe it was 2018. And before that
17 there was a threshold. It was lower, but there's
18 always been a threshold.

19	Q. What was the lowest threshold that has	
20	existed?	02:37:39

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: 20, I believe.

23 Q. (By Ms. Weaver) And when -- for what
24 years was the 20 threshold operative?

25	A. I believe up until between 2016 and 2018.	02:38:12
----	--	----------

1 I'm not sure if we went straight to 100 or -- or in 02:38:17
2 between.

3 Q. And when the threshold was 20, could
4 advertisers use geo location as a target?

5 A. Advertisers can use location targeting. 02:38:41
6 If the ad audience, after any targeting selection,
7 drops below the threshold of 100, it would then not
8 deliver. We won't deliver that ad.

9 Q. That's the current policy, correct?

10 A. And -- yes. 02:39:06

11 Q. But if the threshold was 20, could an
12 advertiser use location targeting?

13 A. Yes. Again, they can select location.
14 And if it ever drops below 20, that ad would not
15 deliver. 02:39:21

16 Q. And when the threshold was 20, an
17 advertiser could use geo location in combination
18 with an unlimited number of interests or behaviors
19 if they were within Facebook's roster of them,
20 correct? 02:39:39

21 MR. BENJAMIN: Objection to form.

22 THE DEPONENT: They can use any number to
23 set up their targeting audience. If it ever drops
24 below the threshold, it will not deliver,
25 regardless of how many options they've selected. 02:39:50

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1 Q. (By Ms. Weaver) So to be clear, until 02:39:55
2 2016 or 2018, when the threshold was raised to 100,
3 an advertiser could identify its audience of up to
4 20. It could identify geo location. Then it could
5 identify interests or behaviors, and as many as 02:40:13
6 possible, but no restriction.

7 And then Facebook would run and return --
8 would run the ad and return metrics to the
9 advertiser, assuming they did not go below the
10 threshold, and provide information about 02:40:31
11 engagement, views, clicks, et cetera, right?

12 A. Can we clarify --

13 MR. BENJAMIN: Objection -- objection to
14 form.

15 THE DEPONENT: At the top there when you 02:40:42
16 were reading through or -- or -- top of your
17 question, identify -- I think the first part was
18 you said identify 20.

19 What -- what did you mean there?

20 Q. (By Ms. Weaver) So let's assume the -- 02:40:55
21 in this first scenario, it's a user list.

22 A. So a custom audience.

23 Q. Yes.

24 A. A customer list. I see.

25 So an advertiser could upload a customer 02:41:04

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1 list, and they could use the other targeting 02:41:07
2 options to create their ad -- desired audience for
3 their ad. If it did not drop below the threshold,
4 we would deliver that ad. And we would provide
5 performance metrics, but those performance metrics 02:41:20
6 do not include who saw the ad. Regardless of how
7 big the audience is or isn't, we don't provide who
8 saw the ad to an advertiser.

9 Q. And in addition to user list, there were
10 two other kinds of audiences, right? 02:41:38

11 A. Within --

12 MR. BENJAMIN: Objection. Form.

13 Q. (By Ms. Weaver) There's the website app
14 custom audience and there's also engagement custom
15 audience, right? 02:41:51

16 A. Those are two other types of custom
17 audience, yes.

18 Q. And so the same would apply for those
19 kinds of audience as well. The 20 cap, maybe 100
20 cap for now. Unlimited interests and behaviors can 02:42:01
21 be targeted including geo location, right?

22 A. Those don't have the same upload
23 functionality as a customer list. But they also
24 had an audience minimum. And to be clear, the
25 audience minimum is of the total targeting option 02:42:16

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```
1 | selected.                                02:42:20
```

2 So it could be website custom audience
3 with a number of interests or with no interests.
4 In either scenario, there is -- it has to be above
5 a minimum threshold in order to run the ad.

6 Q. What's the minimum threshold?

7	A.	100.
---	----	------

8 Q. And it used to be 20?

9	A. Yes.
---	---------

10	Q. Until 2016 or 2018?	02:42:43
----	------------------------	----------

11	A. Correct.
----	-------------

12 Q. You said they don't have the same upload
13 functionality.

14	What do you mean?
----	-------------------

A. I meant for customer list, the advertiser
is uploading a list of their existing customers.
That's distinct from engagement custom audience or
a website custom audience. They don't -- they're
not based on a customer list that the advertiser
provides.

21 Q. Is a Facebook user ID a unique
22 identifier?

23 MR. BENJAMIN: Objection to form.

24 THE DEPONENT: Yes, every user has their
25 own unique UID.

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1 Q. (By Ms. Weaver) And Facebook doesn't 02:43:35
2 provide Facebook user IDs in this process of
3 targeted advertising through custom audiences,
4 right?

5 A. We do not provide UUIDs to advertisers. 02:43:45

6 Q. Does Facebook take any steps to ensure
7 that the advertiser who are identifying their
8 target audiences do not possess Facebook user IDs?

9 A. Let me know if this gets at what your
10 question is asking. 02:44:05

11 When an advertiser uploads a customer
12 list, we hash their information so we don't
13 actually know exactly what their -- the -- the
14 identifier. We're not learning anything through
15 that upload. And after we match it to users, we 02:44:15
16 don't provide anything back to the advertiser about
17 those users, including -- and definitely not their
18 user ID.

19 Q. Facebook is aware that data brokers
20 already have Facebook user IDs, right? 02:44:33

21 MR. BENJAMIN: Objection to form and
22 scope.

23 THE DEPONENT: I can't speak to that.
24 I'm not aware.

25 Q. (By Ms. Weaver) So the -- 02:44:42

1 A. In my personally capacity, I don't know. 02:44:42

2 Q. So the representation here is that
3 Facebook is not providing any personally
4 identifiable information through the targeted
5 advertising process, right? 02:44:52

6 MR. BENJAMIN: Objection to form. Vague.

7 THE DEPONENT: We don't provide
8 advertisers information about the users who -- or
9 who saw their ad and how to identify those users.

10 Q. (By Ms. Weaver) Okay. Well, let's go 02:45:06
11 back to Exhibit 658 and turn to page 5. And I'll
12 read into the record at Bates number -903.

13 "We don't share information with
14 advertisers that personally identifies individuals
15 unless they've given us permission." 02:45:28

16 Do you see that?

17 A. Yes.

18 Q. And -- and that's a core promise that
19 Facebook has made to users from 2007 to the
20 present, right? 02:45:39

21 A. Correct.

22 Q. And what does it mean in your
23 understanding to personally identify an individual?

24 A. To tell an advertiser who saw their ad.

25 Q. So to you, it just would be saying 02:45:55

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1 Lesley Weaver saw this ad, and that would be 02:45:57
2 compliant with this policy?
3 MR. BENJAMIN: Objection to form.
4 THE DEPONENT: I'm sorry. I don't follow
5 what you mean. 02:46:05
6 Q. (By Ms. Weaver) You're saying it -- to
7 tell an advertiser who saw their ad would be
8 providing personally identifiable information,
9 right?
10 A. Yes. And we do not do that. 02:46:20
11 Q. And what do you mean when you say to tell
12 a user who saw an ad -- I'm sorry.
13 What do you mean by "To tell an
14 advertiser who saw their ad"?
15 A. We don't tell them individual user level 02:46:33
16 information about who saw their -- about the users
17 who saw their ad.
18 Q. But when the limit was 20 people, you
19 would tell them that 20 people saw their ad, and
20 they would have already targeted certain data 02:46:52
21 points like geo location and other attributes,
22 correct?
23 MR. BENJAMIN: Objection to form.
24 Misstates.
25 THE DEPONENT: After they've created 02:47:06

1 their audience, they would know how many people saw 02:47:07
2 their ad. But that would have to be, again, in
3 order to deliver that audience, it had to be above
4 the threshold.

5 Q. (By Ms. Weaver) Which was 20 people for 02:47:21
6 most of the class period, right?

7 MR. BENJAMIN: Objection to form.

8 THE DEPONENT: Through the years, yes,
9 until 2016 or 2018.

10 Q. (By Ms. Weaver) So a separate question I 02:47:34
11 was asking is, is Facebook aware that, in fact,
12 many third parties have data that associates users'
13 Facebook IDs with individuals?

14	MR. BENJAMIN: Objection to form and	
15	scope.	02:47:54

16 THE DEPONENT: I don't know about whether
17 third parties have UIDs.

18 Q. (By Ms. Weaver) Is that a concern of the
19 Facebook targeted advertising policy team?

20	MR. BENJAMIN: Objection to form and	02:48:08
21	scope.	

22 THE DEPONENT: We don't provide UIDs
23 through our ad system and do -- we do -- we don't
24 provide it purposefully, so that it's not available
25 to an advertiser. That's what this statement 02:48:21

1 indicates. 02:48:25

2 So it would -- yes, but it's not
3 something we do. And we purposely don't do it.

4 Q. (By Ms. Weaver) And why is that?

5 A. If we provided a UID, they would be able 02:48:38

6 to tie that back to an individual. And we
7 specifically state that we don't give information
8 to advertisers about who saw the ad -- specifically
9 about the individual who saw the ad.

10 Q. What steps did Facebook take to ensure 02:48:58

11 that third parties who were conducting targeting
12 advertising in groups of 20 did not possess
13 Facebook user IDs or a way to reidentify users?

14 MR. BENJAMIN: Objection to form.

15 THE DEPONENT: I think we have to 02:49:22

16 differentiate -- and I'm -- I might be missing the
17 link here, the possessing UIDs.

18 Within our ad system, we don't provide

19 UIDs. An advertiser has to meet a minimum

20 threshold in order to run the ad. And the metrics 02:49:37

21 we provide them, performance metrics are
22 aggregated.

23 So we don't tell them information about

24 who saw the ad specifically. And so there wouldn't

25 be something to relate back to a UID, whether they 02:49:48

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1 possess it or not. And they wouldn't gain access 02:49:52
2 to the UID through our ad delivery.

3 Q. (By Ms. Weaver) I understand you're
4 saying that Facebook did not directly provide
5 Facebook users IDs. 02:50:01

6 Wasn't Facebook aware that during the
7 class period, at multiple points, third parties who
8 advertised on Facebook had obtained Facebook user
9 IDs?

10 MR. BENJAMIN: Objection to form. Asked 02:50:16
11 and answered. Foundation.

12 THE DEPONENT: I'm just not sure what
13 the -- one, I don't know the scenarios we're
14 talking about. They're outside of the ads -- my
15 expertise on ads. 02:50:32

16 And I'm not certain the significance of
17 how the UID plays into what we provide from ads,
18 where it is -- has to meet a minimum threshold,
19 and we only provide aggregated performance metrics.

20 Q. (By Ms. Weaver) So as you sit here 02:50:54
21 today, you're not aware that anybody outside of
22 Facebook scraped or obtained Facebook user IDs; is
23 that true?

24 MR. BENJAMIN: Objection to form.

25 THE DEPONENT: I am not an expert on all 02:51:09

1 of the scraping or nonscraping that's occurred at 02:51:11
2 Facebook. That's --

3 Q. (By Ms. Weaver) I didn't -- I didn't ask
4 that, whether you were an expert.

5 I asked whether you are aware, under 02:51:18
6 oath, as you sit here today, that third parties had
7 scraped Facebook user IDs off the platform and
8 possessed them?

9 MR. BENJAMIN: Objection to form and
10 scope. 02:51:32

11 THE DEPONENT: I could not identify from
12 my personal capacity examples of what you're
13 talking about in any form of -- that I could speak
14 to or -- or am aware of.

15 Q. (By Ms. Weaver) As you sit here today, 02:51:50
16 you are saying you are unaware that users scraped
17 Facebook user IDs off the platform?

18 You're under oath.

19 MR. BENJAMIN: Objection to form.
20 Argumentative. Asked and answered. Beyond the 02:51:58
21 scope.

22 THE DEPONENT: I'm truly -- I am not able
23 to speak to, and I don't know scenarios of user ID
24 scraping.

25 Q. (By Ms. Weaver) And you are part of the 02:52:16

1 privacy policy team for advertising, right? 02:52:17

2 A. Yes.

3 Q. How many people are on that team?

4 A. For advertising, specifically?

5 Q. Yes. 02:52:30

6 A. There -- I believe there are currently
7 ten of us.

8 Q. And who's the lead on that team?

9 A. Andrew Howard.

10 Q. And to whom do you report? 02:52:46

11 A. Andrew Howard.

12 Q. And you're not aware of any instances of
13 third parties obtaining Facebook user IDs; is that
14 right?

15 MR. BENJAMIN: Objection to form. Asked 02:53:00
16 and answered. And to scope.

17 THE DEPONENT: I -- I do not cover
18 scraping. It is -- and I don't know of instances
19 that I could speak to here or in really any
20 capacity about whether this -- whether there has 02:53:14
21 been scraping of UIDs.

22 Q. (By Ms. Weaver) Is there anyone on the
23 policy team for advertising who is in charge of
24 ensuring that advertising is not permitted by users
25 who are in the possession of Facebook user IDs? 02:53:31

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1 A. Again, I'm -- I'm missing the connection 02:53:38
2 here between the possession of UIDs and whether
3 someone advertises.

4 Q. Okay. Let's say Amazon has enough data
5 and information to be able to engineer or comes 02:53:52
6 into the possession of Facebook user IDs. And
7 Amazon runs campaigns, millions of them, with the
8 bare minimum, 20 or 100 people, to learn
9 information about users.

10 Does Facebook have any enforcement 02:54:10
11 mechanism to prevent advertisers, who Facebook
12 knows or has reason to believe has Facebook user
13 IDs, from running that kind of campaign?

14 MR. BENJAMIN: Yeah. Objection to form
15 and scope. 02:54:26

16 THE DEPONENT: Our protections are that
17 we don't provide information to the advertiser when
18 they -- on the performance of their ad, or who has
19 seen their ad, for it to be identifiable back to a
20 user ID. 02:54:46

21 Q. (By Ms. Weaver) Is that the only
22 protection, that Facebook itself does not provide
23 it?

24 A. In addition to the protections of our
25 audience minimum sizes and our policies in terms 02:55:01

1 that disallow different use. 02:55:05

2 Q. Yes.

3 The only protection that Facebook engages
4 in to ensure that third parties who are conducting
5 targeted advertising with the minimum threshold for 02:55:16
6 which for much of the period was 20 people, was
7 that Facebook itself did not provide the Facebook
8 user ID to the advertiser, correct?

9 A. No.

10 MR. BENJAMIN: Objection -- yeah, 02:55:30
11 objection to form. Misstates.

12 THE DEPONENT: No. Our audience minimums
13 are a form of protection. Our aggregated metrics
14 are a form of protection. Our policies and our --
15 the terms that advertisers have to agree with are a 02:55:43
16 form of protection.

17 And, again, this is not where I'm an
18 expert in. But the efforts we go also on the
19 scraping front and protection there, are additional
20 areas that we ensure this doesn't happen. 02:55:56

21 Q. (By Ms. Weaver) So the efforts to
22 prevent future scraping doesn't address paths
23 scraping, right?

24 MR. BENJAMIN: Objection to form and
25 scope. 02:56:09

1 THE DEPONENT: If someone has a UID, 02:56:15
2 our pre- -- preventing future scraping does not
3 remove that UID from them.

4 Q. (By Ms. Weaver) And when you talk about
5 the terms, you mean the third parties promise that 02:56:23
6 they will not -- well, I don't know what you mean.

7 In terms of the terms, what do you mean
8 in terms of providing protection to users whose
9 Facebook IDs have been taken by advertiser who
10 Facebook then allows to advertise on their platform 02:56:40
11 in groups as small as 20, for the majority of the
12 class period?

13 MR. BENJAMIN: Objection to form.

14 THE DEPONENT: I -- I think I have to
15 clarify a question here. 02:56:53

16 Is there an assumption that the UID is
17 specifically being used for the audience?

18 Q. (By Ms. Weaver) I -- I don't think
19 there's an assumption there.

20 A. Again, we have the audience size minimums 02:57:18
21 and we provide only aggregated metrics. And this
22 helps ensure that we do not provide identifiable
23 information about who sees an ad to the advertiser,
24 regardless of any other information they have.

25 Q. You referenced terms as also another 02:57:33

1 mechanism to prevent reidentification of users, 02:57:37

2 correct?

3 A. Yes.

4 Q. What terms are you referring to?

5 A. Our customer list policies and our 02:57:45

6 advertising terms -- or advertising guidelines.

7 Q. Are those -- those enforcement mechanisms

8 or are they just agreements?

9 A. Those are agreements. Those set -- those

10 are the policies for -- for running ads on our 02:58:06

11 platform.

12 Q. Are you aware, as a member of the

13 advertising policy team of ten people, of Facebook

14 telling advertisers that they may not advertise on

15 Facebook because they have violated the terms that 02:58:21

16 you're referring to because they possess Facebook

17 user IDs?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: I'm not aware of an

20 advertiser breaking the policy here and in -- 02:58:37

21 Q. (By Ms. Weaver) Are you aware of any

22 enforcement actions taken by Facebook to determine

23 if that had happened?

24 MR. BENJAMIN: Objection. Asked and

25 answered. 02:58:56

1 THE DEPONENT: I'm not aware of -- of us 02:59:00
2 being -- of -- of there being a case where this --
3 like where an advertiser did this that we enforced
4 on, or that we had to enforce on. We -- I -- I am
5 not aware of cases where there's been a violation. 02:59:15

6 Q. (By Ms. Weaver) What steps has Facebook
7 taken to prevent reidentification of users targeted
8 in advertising?

9 MR. BENJAMIN: Objection to form. Asked
10 and answered. 02:59:36

11 THE DEPONENT: We require an audience
12 minimum. We only provide aggregated metrics to
13 identifiers, and we don't tell them who
14 specifically saw their ad.

15 Q. (By Ms. Weaver) And is that the entirety 02:59:49
16 of the steps that Facebook has taken to prevent
17 reidentification of users targeted in Facebook's
18 advertising?

19 A. Those are the foundation of how our
20 system is built to prevent exactly that. 03:00:03

21 Q. Are there any other steps that Facebook
22 has taken to prevent reidentification of users
23 targeted in Facebook's advertising?

24 A. We've built our system specifically to
25 prevent it. I'm not aware of other steps we've had 03:00:19

1 to take. 03:00:23

2 MS. WEAVER: Okay. Thank you.

3 How long have we been going?

4 THE VIDEOGRAPHER: Okay. Let me look

5 that number -- 03:00:35

6 MS. WEAVER: Let's go off the record.

7 THE VIDEOGRAPHER: Okay. Thanks.

8 We're off the record. It's 3:00 o'clock

9 p.m.

10 (Recess taken.) 03:00:42

11 THE VIDEOGRAPHER: Okay. We're back on

12 the record. It's 3:16 p.m.

13 Q. (By Ms. Weaver) Ms. Leone, I'd like to

14 direct your attention to what is being marked right

15 now as Exhibit -- uh-oh. 670? 03:16:56

16 THE COURT REPORTER: 660.

17 MS. WEAVER: 660.

18 (Exhibit 660 was marked for

19 identification by the court reporter and is

20 attached hereto.) 03:17:25

21 MS. WEAVER: And for the record,

22 Exhibit 660 bears Bates numbers FB-CA-MDL-03969858

23 through -862.

24 THE DEPONENT: I have it up.

25 Q. (By Ms. Weaver) Great. 03:17:43

1 And what is Exhibit 670 [sic]? 03:17:43

2 MR. BENJAMIN: 660.

3 MS. WEAVER: Sorry.

4 THE DEPONENT: Exhibit 660 is a help
5 center article published that we put in our help 03:17:58
6 center for advertisers called "Use Detailed
7 Targeting."

8 Q. (By Ms. Weaver) And it's true and
9 accurate, right?

10 A. I'm going to read through it. One sec. 03:18:14

11 Q. Okay.

12 A. Yes, I read through it. And, yes, it's
13 accurate.

14 Q. Okay. And this document is a current
15 document, is that right, as of June 7th, 2022? 03:18:49

16 A. Sorry.

17 Do you mean that this is currently in our
18 help center?

19 Q. Yes.

20 A. I believe so, yes. Yes. 03:19:04

21 Q. Okay. And it says "Use Detailed
22 Targeting."

23 Do you see that?

24 A. Yes.

25 Q. And this is in the help center for 03:19:12

1 | advertisers; is that right? | 03:19:15

2 A. It's in what we call the business help
3 center, which is meant for an advertising audience.
4 But it's open to anyone. Anyone can navigate to
5 this.

6 Q. So is this describing interest targeting
7 in the detailed targeting that we described at the
8 outset of the litigation?

9 I mean --

10	(Simultaneously speaking.)	03:19:45
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11 THE DEPONENT: Yes.

12 Q. (By Ms. Weaver) I'm sorry.

13 A. Yes. This is -- this is describing how
14 to use detailed targeting, which is the category
15 for -- for audiences to select their parameters,
16 which includes interests.

03:19:55

17 Q. And so it says here on the first page
18 that you select your audience preferences "by
19 location, age, gender and language, then by
20 Detailed Targeting," correct? 03:20:11

21	A. Yes.
----	---------

22 Q. So are you required to identify age and
23 gender and language as a preliminary threshold?

24 A. All of our ads have to have a setting for
25 those, but you can have broad settings so that it's 03:20:27

1 all -- it captures all ranges. 03:20:30

2 So as an example, we need to have an age
3 range for an ad, but that age range could be the
4 full age range of people on Facebook, so 13 to 65
5 plus. 03:20:43

6 Similar for gender. We have to have a
7 setting for it, but it could just be all. So it
8 is -- it is something that is a toggle, but the --
9 it doesn't mean you have to have a specific --
10 something specific within those. 03:20:56

11 Q. And -- and then what about language?

12 Do you have to select a language?

13 A. No, similar. It can be all.

14 Q. Is it more expensive if it's all?

15 A. No, that wouldn't be -- it -- it's not 03:21:19
16 going to be a one to one, if you switch out, to be
17 more expensive.

18 Q. Right.

19 A. I'm not sure what you mean. Sorry.

20 Q. Yeah. That's not a good question. 03:21:30

21 What I mean is, how many people speak all
22 languages.

23 This is your target audience, right?

24 A. It -- it doesn't mean that someone has to
25 speak all languages. It means that any language -- 03:21:40

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1 and perhaps the actual option is called any. It 03:21:42
2 means that the audience can be any language.

3 Q. I see. Okay.

4 And does Facebook find that targeting by
5 language allows inferences of ethnicity? 03:22:03

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: No. Language is based on
8 the -- the -- the settings people have, like how
9 they've set up their Facebook and the language
10 they've chosen. That's not something that is -- it 03:22:24
11 is not a method of -- of targeting ethnicity.

12 Q. (By Ms. Weaver) Now, has Facebook found
13 that people were impermissibly targeted by gender
14 or ethnicity using its advertising platform?

15 MR. BENJAMIN: Objection to form. Vague. 03:22:47

16 THE DEPONENT: Sorry. Can you walk
17 through what you mean by "impermissibly"?

18 Q. (By Ms. Weaver) Illegally.

19 MR. BENJAMIN: Objection to form. And
20 calls for a legal conclusion. 03:23:01

21 THE DEPONENT: Yeah, I can't speak to if
22 something was illegal. I can -- I can share if
23 there's an example that you're thinking of, of how
24 those were misused.

25 Q. (By Ms. Weaver) As you sit here today, 03:23:18

1 are you aware of any such examples? 03:23:19

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: Specifically for -- for --

4 I'm sorry. You mentioned two.

5 Did you say for gender? 03:23:30

6 Q. (By Ms. Weaver) Uh-huh.

7 A. No, not aware of -- of a case where it
8 was misused. But it's worth noting that we don't
9 permit gender targeting for specific types of ads
10 to help -- specifically to prevent misuse. We 03:23:46
11 limit that.

12 And advertisers who are running housing,
13 employment and credit ads cannot use gender
14 targeting. They must maintain it at all. They
15 cannot select specific genders that's to prevent 03:23:59
16 for misuse.

17 Q. And how long has that been the case?

18 A. That's a policy we've had in place since
19 2018.

20 Q. And was that a result of litigation? 03:24:09

21 MR. BENJAMIN: Objection to form.

22 And to the extent you can answer without
23 disclosing privileged information or
24 communications, you can do so.

25 THE DEPONENT: I -- I think I need a 03:24:26

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1 quick break -- 03:24:27

2 MS. WEAVER: Okay.

3 THE DEPONENT: -- to discuss with Matt

4 on -- on AC priv.

5 THE VIDEOGRAPHER: Okay. Go off the 03:24:37

6 record, everybody?

7 MS. WEAVER: Yeah, that's fine.

8 MR. BENJAMIN: Yeah, that's fine.

9 THE VIDEOGRAPHER: Okay. We're off the

10 record. It's 3:24 p.m. 03:24:44

11 (Recess taken.)

12 THE VIDEOGRAPHER: We're back on the

13 record. It's 3:34 p.m.

14 Q. (By Ms. Weaver) There was a question

15 pending when you took a break to consult with your 03:34:25

16 counsel.

17 Can you answer the question now?

18 A. Do you mind repeating it.

19 Q. Sure.

20 I think the question was, was that a 03:34:33

21 result of litigation?

22 A. We were discussing the limits for age --

23 gender targeting for housing, employment and credit

24 ads.

25 We've always -- or long- -- have a 03:34:46

1 long-standing policy that disallows discrimination, 03:34:48
2 including through our targeting tools.

3 In 2019 -- I should correct my previous
4 answer -- we launched specifically the targeting
5 limitations for those ads and the spe- -- what we 03:35:00
6 call the -- the special ad categories for -- as
7 part of a settlement with litigation.

8 Q. And the settlement with who?

9 A. It -- I actually don't know all the
10 parties involved in that litigation. So I might 03:35:20
11 need to -- to refresh on that.

12 Q. And prior to that litigation and
13 settlement, Facebook did not have a policy that
14 disallowed discrimination through the use of
15 targeting tools? 03:35:36

16 A. No. Sorry. To clarify, we -- that's
17 what I was saying. We've had a long-standing
18 policy on -- that disallows discrimination.

19 In 2019, as part of our settlement with
20 this litigation, we built the special ad category 03:35:48
21 that disallowed gender selection among other
22 targeting for housing, employment and credit ads.
23 And that was from conversations concerned about the
24 potential for misuse of those.

25 Q. And does that same tool also prevent 03:36:02

1 targeting based on race, sexual orientation, 03:36:09
2 disability and religion?

3 A. We don't provide those targeting options
4 at all to any advertiser.

5 Q. But was it a problem nonetheless that 03:36:18
6 Facebook's targeted advertising involved
7 discrimination against people in those
8 categories --

9 MR. BENJAMIN: Objection.

10 Q. (By Ms. Weaver) -- at any point during 03:36:30
11 the class period?

12 MR. BENJAMIN: I'm sorry. I thought your
13 question was over.

14 Objection to form. Misstates.

15 THE DEPONENT: We don't offer those -- 03:36:40
16 targeting based on those. And so it -- it wasn't
17 relevant to the -- the -- how we built our special
18 ad category, which -- which restricted targeting
19 that we do offer.

20 Q. (By Ms. Weaver) So is it your testimony 03:36:56
21 that at no point did Facebook's advertising give
22 third-party advertisers "the ability to exclude
23 ethnic and religious minorities, immigrants, LGBTQ
24 individuals and other protected groups from seeing
25 their ads"? 03:37:16

1 MR. BENJAMIN: Objection to form. 03:37:18

2 THE DEPONENT: We don't offer targeting

3 based on -- I'm sorry -- race or ethnicity or

4 religious views and there -- therefore, there

5 wasn't an ability to exclude those -- 03:37:30

6 Q. (By Ms. Weaver) Okay.

7 A. -- based on that.

8 MS. WEAVER: Let's look at Exhibit 661.

9 (Exhibit 661 was marked for

10 identification by the court reporter and is 03:37:39

11 attached hereto.)

12 MS. WEAVER: And for the record, it's an

13 announcement from the Washington State office of

14 the attorney general. The title is "AG Ferguson

15 investigation leads to Facebook making nationwide 03:37:50

16 changes to prohibit discriminatory advertisements

17 on its platform."

18 It's dated July 24th, 2018. And the

19 first paragraph says "Attorney General Bob Ferguson

20 today announced that Facebook signed a legally 03:38:05

21 binding agreement with his office to make

22 significant changes to its advertising platform by

23 removing the ability of third-party advertisers to

24 exclude ethnic and religious minorities,

25 immigrants, LGBTQ individuals and other protected 03:38:20

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1 groups from seeing their ads." 03:38:25

2 Do you see that?

3 THE DEPONENT: I do.

4 MR. BENJAMIN: Objection. Sorry.

5 Objection to form. 03:38:31

6 And, Counsel, could you just confirm, was
7 this a document that was provided to us 72 hours
8 before the deposition?

9 MS. WEAVER: I don't believe so. It's in
10 the public domain. 03:38:36

11 MR. BENJAMIN: So your position is it
12 didn't need to be identified 72 hours before?

13 MS. WEAVER: Yes.

14 Q. (By Ms. Weaver) So, Ms. Leone, do you
15 see that first paragraph -- 03:38:58

16 A. I do.

17 Q. -- that I just read into the record?

18 A. I do.

19 Q. Is it your testimony that that is untrue?

20 A. We did not provide the ability for 03:39:06
21 advertisers to include, or include on the basis of
22 their ethnic, religious, immigration status. So
23 this is -- this misrepresents the options that were
24 available.

25 Q. I don't think it's making any 03:39:24

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1 representation about the options that are 03:39:26
2 available.

3 What it is saying is that, in fact,
4 Facebook signed an agreement so that third-party
5 advertisers could not discriminate against those 03:39:35
6 parties, right?

7 That's true; you're not disputing that?

8 MR. BENJAMIN: Objection to form.

9 Argumentative. Mischaracterizes.

10 THE DEPONENT: We built a -- what is 03:39:50
11 called the special ad category with restricted
12 targeting options for housing, employment and
13 credit ads.

14 It wasn't that the previous options
15 en- -- like were enabling specifically targeting or 03:40:03
16 exclusion on these protected characteristics.
17 Because as an example, we don't have people's race
18 or ethnicity.

19 Q. (By Ms. Weaver) Is it your testimony
20 today that there was not an ethnic affinity 03:40:17
21 targeting option at Facebook ever?

22 A. We had ethnic affinity clusters. Those
23 are not based on race data or someone's race or
24 ethnicity.

25 Q. Okay. Is it your testimony that, in 03:40:32

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1 fact, individuals in these protected categories 03:40:36
2 were not discriminated against through advertising
3 on Facebook's website?

4 MR. BENJAMIN: Objection to form. Calls
5 for a legal conclusion. And scope. 03:40:48

6 THE DEPONENT: We didn't identify misuse
7 here. And we wouldn't necessarily be able to
8 identify a discriminatory use.

9 As an example, you could run one ad that
10 had specific targeting to women. You could then 03:41:04
11 run another ad for men. And overall your campaign
12 may or may not be problematic.

13 Similar, out -- off of Facebook, you
14 could run an ad on Google for a specific group and
15 on Facebook for another. 03:41:18

16 It -- there wasn't a specific case
17 here -- a -- a specific misuse that was being dealt
18 with. It was a potential that then we correct --
19 we -- we built this special ad category
20 functionality for. 03:41:37

21 Q. (By Ms. Weaver) How long did Facebook
22 have targeted categories for ethnic affinities,
23 African American US, Asian American US, Hispanic US
24 all, Hispanic US bilingual, Hispanic US Spanish
25 domi- -- dominant, and Hispanic US English 03:41:54

1 dominant? 03:41:57

2 MR. BENJAMIN: Objection to form.

3 Compound and scope.

4 THE DEPONENT: Those were categories we

5 offered as targeting up until 2020. 03:42:08

6 Q. (By Ms. Weaver) And when did they

7 commence?

8 MR. BENJAMIN: Same objection.

9 THE DEPONENT: I'm not sure of the exact

10 year, but between 2012 and 2014. 03:42:28

11 Q. (By Ms. Weaver) And why did Facebook

12 discontinue it in 2020 -- of those categories?

13 A. We --

14 MR. BENJAMIN: Same objections.

15 THE DEPONENT: We consistently look at 03:42:47

16 the targeting we offer and whether it's being used,

17 whether it is still relevant, if there's

18 duplicative options.

19 And in 2020, we underwent several updates

20 across all of our targeting, and those were 03:43:02

21 deprecated as part of a simplification effort.

22 Q. (By Ms. Weaver) Are you aware of whether

23 or not, in 2018, Facebook agreed to take steps to

24 prevent third-party advertisers from excluding

25 persons from receiving advertisements for 03:43:26

1 employment, housing, credit, insurance and places 03:43:29
2 of public accommodation, to the extent it affected
3 the citizens of Washington?

4 MR. BENJAMIN: Objection to form and
5 scope. 03:43:43

6 THE DEPONENT: I'm sorry. I -- I missed
7 the beginning of the question.

8 It -- it was whether we took steps to
9 prevent exclusion for these ads?

10 Q. (By Ms. Weaver) Whether Facebook agreed 03:43:51
11 in 2018, with the State of Washington, to take
12 steps to prevent third-party advertisers from
13 receiving advertisements for employment, housing,
14 credit, insurance and places of public
15 accommodation, to the extent it discriminated 03:44:04
16 against people under those protected categories who
17 lived in the State of Washington?

18 MR. BENJAMIN: Objection to form and
19 scope.

20 THE DEPONENT: I -- I'm not -- I -- 03:44:16
21 I'm -- I think I'm misunderstanding the question
22 because it has "exclusion" and "seeing an ad."

23 But in -- in 2018 is when we agreed to
24 build the category -- the housing, employment and
25 credit restrictions, the flow for those ads that 03:44:33

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1 limits the targeting options that they have. 03:44:37

2 Q. (By Ms. Weaver) So Facebook agreed to do
3 it in 2018, but it didn't happen until 2020; is
4 that right?

5 A. No. 03:44:47

6 MR. BENJAMIN: Objection.

7 Q. (By Ms. Weaver) Please clarify.

8 A. In 2020, we deprecated, specifically
9 among other -- other targeting options for all
10 advertisers, the multicultural affinity options. 03:45:00

11 Separately, we launched in 2019, the
12 special ad create flow which -- which was the
13 restricted flow for housing, employment and credit
14 advertisers.

15 Q. What about -- 03:45:20

16 A. Those are distinct.

17 Q. What about insurance --

18 A. Insurance --

19 Q. -- was that included?

20 A. Insurance is not included with the -- 03:45:27
21 with the note. If -- if it is housing insurance or
22 related mortgage insurance, those are included.

23 Q. Okay. Just for the record, in 2019, when
24 Facebook launched the special ad create flow to
25 restrict the flow, you're saying it was only for 03:45:47

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1 housing, employment and credit advertisers; is that 03:45:51

2 correct?

3 A. Yes.

4 Q. What about insurance or places of public

5 accommodation? 03:46:02

6 MR. BENJAMIN: Objection to form.

7 MS. WEAVER: I -- could I just finish the

8 question?

9 MR. BENJAMIN: I'm sorry. I thought you

10 were done. 03:46:09

11 MS. WEAVER: That's fine.

12 Q. (By Ms. Weaver) So what about insurance

13 or places of public accommodation, did Facebook

14 restrict the flow for advertisements relating to

15 that as well in 2019? 03:46:20

16 MR. BENJAMIN: Objection to form and

17 scope.

18 THE DEPONENT: No.

19 Q. (By Ms. Weaver) Did Facebook -- for this

20 flow that Facebook created, did it apply only to 03:46:31

21 the citizens of Washington or did it apply to all

22 citizens in the United States?

23 A. It applies to all ads bought by an

24 advertiser based in the US where -- and any ad

25 where the audience includes the US, as well as now 03:46:49

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1 we've launched it in Canada and Europe. 03:46:53

2 Q. And with regard to the ethnic affinity
3 group deprecation, can you identify which ethnic
4 affinity group deprecations you're referring to,
5 which groups? 03:47:12

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: The -- the names of the
8 targeting options?

9 Q. (By Ms. Weaver) Yes.

10 A. We deprecated African American US. These 03:47:22
11 are all multicultural affinity options. That's
12 what they were labeled in our -- and -- and what --
13 that I'm listing. African American, Hispanic
14 bilingual, Hispanic Spanish, Hispanic English and
15 Asian American. 03:47:46

16 Q. Anything else?

17 A. No, unless I'm missing one. But I
18 believe there were five. We deprecated all of the
19 multicultural affinities in -- in 2022.

20 Q. Did Facebook perform an economic analysis 03:48:07
21 of the impact of deprecating those affinity groups
22 as targets?

23 MR. BENJAMIN: Objection to form and
24 scope.

25 THE DEPONENT: Similar to -- to earlier, 03:48:20

1 there isn't a -- an economic or revenue analysis 03:48:21

2 associated with individual targeting options.

3 Q. (By Ms. Weaver) I understand that. I'm
4 just saying it's a pretty big decision to deprecate
5 these kinds of targeting group. 03:48:37

6 And you're saying there was no internal
7 analysis at Facebook of how it might affect revenue
8 to deprecate those products; is that what you're
9 saying?

10	MR. BENJAMIN: Objection to form and	03:48:49
11	scope.	

12 THE DEPONENT: We don't measure revenue
13 on a by targeting option basis. And so it's not
14 how we assess a targeting option or revenue.

15	Q. (By Ms. Weaver) Okay. How about a cost	03:49:03
16	benefit analysis, are you aware -- aware of any	
17	internal analyses at Facebook, whether it was a	
18	good idea or not to deprecate multicultural	
19	affinity groups and the impact it might have on	
20	Facebook?	03:49:20

21 MR. BENJAMIN: Objection to form and
22 scope.

23 THE DEPONENT: In -- making -- in
24 assessing whether to -- to maintain or remove
25 those, we look at their use. We look at an 03:49:27

1 understanding of who -- beneficial uses of those, 03:49:34
2 as an example. And so that was definitely part of
3 the consideration. But it is not in the form of a
4 revenue number.

5 Q. (By Ms. Weaver) Okay. So there were 03:49:46
6 internal analyses that were considering whether or
7 not to deprecate the multi- -- multicultural
8 affinity groups; is that right?

9 MR. BENJAMIN: Objection to form.
10 Misstates. And scope. 03:50:00

11 THE DEPONENT: It was an internal
12 conversation from the ads product team, their
13 policy and legal counterparts on -- on those
14 options. The same way that we would have discussed
15 any other option. In fact, the deprecation that 03:50:14
16 they were part of was a broader deprecation.

17 Q. (By Ms. Weaver) What was the broader
18 deprecation that they were part of?

19 A. We simplified our targeting options in
20 August 2020. It included removing duplicative 03:50:28
21 options. Options that were unclear that
22 advertisers didn't understand. And this was part
23 of that effort.

24 Q. Who, in the ads product team, was
25 involved in the internal discussions regarding 03:50:42

1 whether or not to deprecate the multicultural 03:50:45

2 affinity groups?

3 A. Our ad targeting team was involved. Ads
4 leadership was involved.

5 Q. And who by name? 03:50:56

6 A. I'm -- I'm sorry. I'm trying to remember
7 specifically who was the ads lead at the time.

8 This would have been within ads product.

9 Dan Levy was likely involved, but I -- I can't
10 remember who else on his team. 03:51:44

11 Q. And did it violate Facebook's policy for
12 multicultural affinity group targeting to
13 discriminate against people who were put in those
14 target groups with respect to advertising involving
15 housing and employment, for example? 03:52:05

16 MR. BENJAMIN: Objection to form.

17 THE DEPONENT: So we disallowed
18 discriminatory use of our tools, regardless of any
19 specific option. That's -- that's not something we
20 permit. 03:52:24

21 In -- in 2018, we disallowed the use of
22 those multicultural affinity targets -- options
23 with housing employment and credit ads. And in
24 2019, we created a specific flow so that they
25 couldn't be selected with those ads at all. 03:52:39

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1 Q. (By Ms. Weaver) And I'm just trying to 03:52:42
2 say, so in Facebook's view, was that an abuse of
3 Facebook's advertising platform, for advertisers to
4 engage in programs that discriminated against
5 persons in those protected categories from 03:52:57
6 receiving advertisements for employment, housing
7 and credit?

8 MR. BENJAMIN: Objection to form.

9 THE DEPONENT: Discriminatory uses
10 against our policies. The use of these segments 03:53:13
11 was not discriminatory. That wasn't our conclusion
12 or estimate. As part of efforts to prevent misuse,
13 we disallowed them being used with housing,
14 employment and credit ads.

15 And, again, to clarify, those segments 03:53:27
16 are not representative or base -- those are not
17 based on our representative of people's race or
18 ethnicity.

19 Q. (By Ms. Weaver) What are the data inputs
20 to determine multicultural affinity groups that was 03:53:40
21 the targeting categories that Facebook created?

22 A. Those are based on info people have
23 provided us, as well as their activity on Facebook.

24 Q. And what specific activity caused
25 Facebook to put somebody in one of these 03:54:00

1 multicultural affinity groups? 03:54:04

2 A. People's engagement with pages could
3 associate them with one of these.

4 Q. Can you give me a specific example of a
5 kind of engagement that would put a person in an 03:54:13
6 African American affinity group?

7 A. If you engage with a page -- a cultural
8 page related to African American culture and you
9 like that page, you follow it, this could be a
10 group that you're -- you could be in this target 03:54:30
11 option.

12 Q. What is a cultural page related to
13 African American culture?

14 MR. BENJAMIN: Objection to form.

15 THE DEPONENT: I -- I don't know the 03:54:41
16 exact list of pages. But an example could be
17 Black Lives Matter.

18 Q. (By Ms. Weaver) This was, of course,
19 before BLM, right?

20 MR. BENJAMIN: Objection to form. 03:54:54

21 Q. (By Ms. Weaver) Could you give me an
22 example of a cultural page related to African
23 American culture that was actually used to
24 determine whether or not somebody was in an African
25 American affinity group? 03:55:07

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1 A. I think -- 03:55:12

2 MR. BENJAMIN: Objection to form and --
3 and scope.

4 THE DEPONENT: I don't have the list of
5 pages specifically that were used. That was an 03:55:19
6 illustrative example. I can think of another one,
7 if that's useful. But it's meant to -- to indicate
8 the type of page and you -- there -- there's
9 similar ones for Hispanic culture. You could look
10 at cuisine -- pages related to Hispanic cuisine 03:55:36
11 would have been used as well.

12 Q. (By Ms. Weaver) What does Hispanic mean
13 in this context of Facebook's multicultural
14 affinity group?

15	MR. BENJAMIN: Objection to form and	03:55:55
16	scope.	

17 THE DEPONENT: It's simply the -- how --
18 the naming of the page or -- of the common topics
19 that people were engaging with.

20 Q. (By Ms. Weaver) In Facebook's view, what 03:56:08
21 does Hispanic mean when it created this
22 multicultural affinity group?

23 MR. BENJAMIN: Objection to form and
24 scope.

25	THE DEPONENT: I don't think that we have	03:56:19
----	--	----------

1 a -- a Facebook definition of Hispanic. This was 03:56:20
2 meant to indicate that these are -- this targeting
3 option was meant to indicate that people have
4 engaged with Hispanic culture on Facebook. So that
5 could be Hispanic culture-related pages. It could 03:56:35
6 be because their language is in Spanish.

7 There are a number of reasons and ways
8 that someone could be part of this, based on the
9 info they provided and the activity on their
10 platform. 03:56:48

11 Q. (By Ms. Weaver) What does Hispanic
12 culture mean, in Facebook's view?

13 MR. BENJAMIN: Objection. Asked and
14 answered and scope.

15 THE DEPONENT: Again, we don't define 03:57:02
16 Hispanic culture. I don't think we have a specific
17 definition for that.

18 Q. (By Ms. Weaver) But somehow you were --
19 you must have had some definition because, based on
20 specific kinds of activity, you decided that people 03:57:12
21 were in an Hispanic multicultural group.

22 So I guess I'm just wondering what the
23 parameters were that Facebook used to decide that
24 something was an Hispanic activity?

25 MR. BENJAMIN: Objection to form and 03:57:28

1 scope. 03:57:30

2 THE DEPONENT: To -- we weren't defining
3 if something is a Hispanic activity. We were
4 looking at the topics people engage with and if
5 those topics relate to Hispanic culture. 03:57:42

6 So that could be things like speaking
7 Spanish. It could be like Hispanic cuisine. It
8 could be Spanish-speaking telenovelas. These are
9 things that also the pages themselves identify as
10 part of this culture. And the people who engage 03:57:59
11 with them were then included in this targeting
12 option.

13 Q. (By Ms. Weaver) Does Facebook have a
14 list of the activities that it deemed sufficient to
15 trigger inclusion in each of these ethnic 03:58:11
16 multicultural affinity groups?

17 MR. BENJAMIN: Objection to --

18 THE DEPONENT: Facebook --

19 MR. BENJAMIN: Objection to scope.

20 THE DEPONENT: One action is not going to 03:58:25
21 trigger anyone to be part of really any of -- of
22 the interests or -- or multicultural affinity
23 options. This is about repeated continuous
24 engagement. So if someone's activity over time
25 showed that they were interested in these topics. 03:58:42

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1 Q. (By Mr. Benjamin) Okay. You just 03:58:44
2 testified -- well -- "We were looking at the topics
3 people engage with and if those topics relate to
4 Hispanic culture."

5 Do you recall that? 03:58:54

6 A. Yes.

7 Q. Does Facebook have a list of those topics
8 that Facebook deemed related to Hispanic culture
9 that were used then cumulatively or individually to
10 determine that somebody was in a multicultural 03:59:07
11 affinity group?

12 MR. BENJAMIN: Objection to form and
13 scope.

14 THE DEPONENT: This might just be the
15 wording here, but it is when pages are -- as an 03:59:16
16 example, like when pages are about specific topics,
17 they can -- those would relate to Hispanic culture.
18 And if people consistently engage, they would then
19 be part of this segment.

20 Q. (By Ms. Weaver) I just -- I'm just 03:59:40
21 trying to understand, is there a list or a
22 description of which pages and topics Facebook
23 decided were triggers to include specific people in
24 multicultural affinity groups?

25 MR. BENJAMIN: Objection to form and 03:59:57

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1 scope. 03:59:58

2 THE DEPONENT: It's pages that relate to
3 this. So that could be based on a pages
4 description saying they are related to Hispanic
5 culture, as an example. 04:00:10

6 Q. (By Ms. Weaver) Okay. So does Facebook
7 have a list, as an example, of just the pages that
8 Facebook deemed related to multicultural affinity
9 groups, of -- of the categories that were
10 deprecated in 2020? 04:00:24

11 A. Those categories were deprecated in 2020,
12 and I believe we don't maintain that once a
13 category is deprecated.

14 Q. Are you aware -- and you're not aware of
15 whether or not there was a litigation hold or 04:00:44
16 requirement as a result of litigation that Facebook
17 maintain those categories?

18 MR. BENJAMIN: Objection -- sorry.

19 Objection to form and scope. And to the
20 extent that it calls for legal analysis or 04:00:56
21 conclusion.

22 I'd also caution you, Ms. Leone, to carve
23 out of your answer any privileged information or
24 communications.

25 THE DEPONENT: I'm not certain on -- if 04:01:08

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1 it was under a legal hold or not. And I'm also not 04:01:10
2 certain if we have it or not, given that these were
3 deprecated.

4 Q. (By Ms. Weaver) So is it your
5 understanding that if Facebook deprecates a 04:01:17
6 product, Facebook doesn't maintain any information
7 relating to that deprecated product?

8 MR. BENJAMIN: Objection to form.
9 Misstates and scope.

10 THE DEPONENT: No, that's not my 04:01:33
11 understanding. But when we deprecate a product, we
12 are not maintaining -- or it is not continuously
13 associating. And -- and that's what I meant. It's
14 not continuously looking for pages that might be
15 related to that topic. It's shut down. 04:01:49

16 Q. (By Ms. Weaver) So your testimony was
17 "Those categories were deprecated in 2020, and I
18 believe we don't maintain that once a category is
19 deprecated."

20 Do you recall that? 04:02:11

21 A. Yes.

22 Q. And when you say "we don't maintain
23 that," what did you mean?

24 A. I mean what I was just describing, which
25 is that we're not continuously associating 04:02:21

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1 engagement into those categories. And I don't know 04:02:24
2 to whichever degree, under legal hold or otherwise,
3 what we maintain historically.

4 Q. Now, it's your testimony that Facebook
5 has not taken steps to prevent third-party 04:02:43
6 advertisers from excluding people from receiving
7 advertisements for insurance or places of public
8 accommodation, is that right, based on these
9 protected characteristics of the ethnic affinity
10 groups, disability, et cetera; is that right? 04:03:00

11 MR. BENJAMIN: Objection to form.
12 Misstates and compound.

13 THE DEPONENT: Yeah, there are a few
14 parts.

15 We don't have targeting options related 04:03:11
16 to protected -- people's race or ethnicity, as a
17 starting point. That's not what multicultural
18 affinities were.

19 House -- the -- any ad has to abide by
20 our nondiscrimination policy. And we don't -- 04:03:26
21 including an insurance ad, regardless of the --
22 whether or not they're AG -- they're housing,
23 employment or credit.

24 MS. WEAVER: Okay. Why don't we take a
25 look at Exhibit 662. 04:03:50

1 (Exhibit 662 was marked for 04:03:52
2 identification by the court reporter and is
3 attached hereto.)

4 MR. BENJAMIN: And, Counsel, is this a
5 document that was provided to us -- 04:04:10

6 MS. WEAVER: No, it's public.

7 MR. BENJAMIN: -- in 72 hours?

8 Okay. And what paragraph of the
9 Special Master's protocol are you relying on for
10 that exception? 04:04:19

11 MS. WEAVER: We can have a colloquy off
12 the record, if you like.

13 MR. BENJAMIN: Special Master, however
14 you prefer. Happy to discuss outside the presence
15 of the witness. 04:04:28

16 SPECIAL MASTER GARRIE: I'd ask the
17 witness to -- yeah, go to breakout room. We'll
18 stay on the record.

19 What's the issue, Counsel Benjamin?

20 MR. BENJAMIN: I just wanted to clarify, 04:04:53
21 Special Master, the -- Counsel Weaver's basis for
22 not having provided the documents, under the
23 Special Master protocol, 72 hours in advance.

24 SPECIAL MASTER GARRIE: It's a publicly
25 available document -- 04:05:05

1 MS. WEAVER: Yes. 04:05:09

2 SPECIAL MASTER GARRIE: -- and I believe
3 that -- well, Counsel Weaver, would you care to
4 explain?

5 MS. WEAVER: Yeah. I mean, if we had to 04:05:13
6 provide to Facebook every publicly available
7 document about Facebook, it would be reams.

8 We've talked about the topic. Facebook
9 itself identified a ton of policies talking about
10 how people may or may not target people based on 04:05:25
11 gender or age.

12 So, you know, from my perspective, we are
13 perfectly entitled to discuss this with Facebook,
14 particularly given the assertions of this deponent
15 in this deposition, that this kind of targeting did 04:05:41
16 not occur. These are also coming in as
17 impeachment.

18 So look, I can do it two ways. You can
19 say you don't want this witness to discuss these
20 documents right now. And then I will file a new 04:05:52
21 notice because it's relevant. It's obviously data
22 misuse and relevant to the case. And we can call
23 the witness back at another time and do this kind
24 of questioning.

25 But I -- I really -- we were not trying 04:06:05

1 to pull a fast one. It just didn't occur to me 04:06:07
2 that we had to provide to Facebook -- you know,
3 Exhibit 662 is an assurance of discontinuance
4 signed by Facebook so --

5 MR. BENJAMIN: And -- and all I -- really 04:06:21
6 all I wanted to do is just to clarify the basis for
7 using the document as an exhibit in the deposition.

8 MS. WEAVER: Okay.

9 MR. BENJAMIN: So I'm happy to --

10 SPECIAL MASTER GARRIE: And I think she 04:06:30
11 did for -- so -- so Counsel Benjamin, she said for
12 impeachment purposes and there's your explanation.

13 MR. BENJAMIN: Yeah. I'm not sure I'd
14 agree with that characterization, Special Master,
15 I'm happy to let the questioning -- 04:06:39

16 SPECIAL MASTER GARRIE: I'm not -- I'm
17 not -- let's be clear, my restatement isn't a
18 representation that I agree or disagree. That is a
19 represent -- that is what plaintiffs stated.

20 MR. BENJAMIN: Under- -- understood. And 04:06:51
21 happy to let questioning on the document proceed on
22 that basis.

23 Thank you for clarifying.

24 SPECIAL MASTER GARRIE: Okay. So with
25 that said, should we call the witness back? 04:07:03

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1 MS. WEAVER: Yes. 04:07:07
2 MR. BENJAMIN: Yes.
3 MS. WEAVER: Yes.
4 MR. BENJAMIN: I'll -- I'll grab her.
5 SPECIAL MASTER GARRIE: Thank you. 04:07:12
6 John, did Counsel Benjamin say we were
7 taking a break or is he getting the witness?
8 THE VIDEOGRAPHER: They were just going
9 to go get the witness. So we're still on the
10 record. 04:09:29
11 SPECIAL MASTER GARRIE: Okay.
12 MS. WEAVER: Can we go off the record, if
13 we're just sitting here in silence?
14 SPECIAL MASTER GARRIE: Well, I didn't
15 think we would be sitting here in silence, so I 04:10:07
16 agree.
17 MS. WEAVER: Thank you.
18 SPECIAL MASTER GARRIE: Let's go off the
19 record.
20 THE VIDEOGRAPHER: Okay. We're off the 04:10:14
21 record. It's 4:10 p.m.
22 (Recess taken.)
23 THE VIDEOGRAPHER: Okay. We're back on
24 record. It's 4:12 p.m.
25 Q. (By Ms. Weaver) Ms. Leone, have you had 04:12:08

1 a moment to look at Exhibit 662? 04:12:10

2 A. I -- I started to read through it. I
3 haven't read through it. But yes, I have.

4 MS. WEAVER: Okay. Take your time.

5 And while you're reading through it, just 04:12:19

6 for the record, Exhibit 662 says State of
7 Washington, King County Superior Court, In re:
8 Facebook, Respondent, Assurance of Discontinuance,
9 and it's dated July 24th, 2018.

10 Q. (By Ms. Weaver) And I'll direct your 04:12:48
11 attention to paragraph 3.2.

12 A. I'm there, and I've read through most of
13 3.2.

14 Q. Okay. But let me ask first, were you
15 aware of this notice of discontinuance? 04:13:23

16 A. Yes.

17 Q. And -- and how did you become aware of
18 it?

19 A. I was on -- I was part of the team on
20 ads -- on ads at the time. 04:13:37

21 Q. And so were you involved in taking steps
22 to prevent third-party advertisers from excluding
23 persons that were the subject of a lawsuit from
24 discrimination -- or from receiving advertisements
25 based on protected characteristics? 04:13:55

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1 MR. BENJAMIN: Objection to form and 04:13:59
2 scope.
3 THE DEPONENT: I was involved in updates
4 to our platform. To be clear, this is -- that was
5 distinct from -- that -- that -- these targeting 04:14:09
6 options weren't discriminatory. But I was involved
7 in updating our targeting options.
8 Q. (By Ms. Weaver) Okay. And looking at
9 paragraph 3.2, do you see where it says "Although
10 Facebook denies these allegations, Facebook agrees 04:14:23
11 to take the following steps intended to prevent
12 third party advertisers from excluding persons from
13 receiving advertisements for employment, housing,
14 credit, insurance and/or places of public
15 accommodation based on the Protected 04:14:39
16 Characteristics to the extent they affect citizens
17 of Washington State."
18 Do you see that?
19 A. Yes.
20 Q. And you've testified that Facebook has 04:14:50
21 taken steps to prevent advertisers from excluding
22 persons from employment, housing and credit, but
23 not insurance or places of public accommodation; is
24 that true?
25 MR. BENJAMIN: Objection to form. 04:15:06

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1 Misstates the testimony and scope. 04:15:07

2 THE DEPONENT: They're two separate
3 pieces. In 2019, we launched the updates to our
4 housing, employment and credit ads, which
5 restricted the targeting they could -- they could 04:15:18
6 use when running an ad.

7 In 2018, we updated to remove the
8 exclusion capability for all ads related -- related
9 to the multicultural affinity segments and other
10 interests. And across the board, prior to that, 04:15:34
11 our policy has always been -- our nondiscrimination
12 policy has always been in place.

13 Q. (By Ms. Weaver) So there was a policy
14 that said that you could not discriminate.

15 But prior to that time, advertisers could 04:15:46
16 exclude people based on the protected
17 characteristics identified in 662, right?

18 A. No. Because our targeting options don't
19 represent those protected characteristics.

20 Q. Did Facebook have a targeting category 04:16:10
21 for wheelchair users?

22 A. There was an --

23 MR. BENJAMIN: Objection -- objection to
24 form.

25 THE DEPONENT: There was an interest 04:16:19

1 called wheelchair users. It was not based on 04:16:20
2 whether or not someone uses a wheelchair.

3 Q. (By Ms. Weaver) Was there a targeting
4 characteristics for Chinese people?

5 MR. BENJAMIN: Objection to form. 04:16:33

6 THE DEPONENT: There might have been an
7 interest called Chinese people. But, again, it was
8 not based on whether or not someone was Chinese.

9 Q. (By Ms. Weaver) Was there a targeting
10 characteristic for Chinese literature and 04:16:47
11 disability rights?

12 MR. BENJAMIN: Same objection.

13 THE DEPONENT: Yes. Both of those seem
14 like they would have been interests as well.

15 Q. (By Ms. Weaver) Do you recall any other 04:16:59
16 targeting characteristics that were addressed in
17 this lawsuit related to the multicultural affinity
18 groups?

19 MR. BENJAMIN: Objection to form and
20 scope. 04:17:13

21 THE DEPONENT: These aren't targeting
22 characteristics, just to be clear. These list
23 targeting options. Is that --

24 Q. (By Ms. Weaver) That's fine. I'll
25 restate the question. 04:17:21

1 Q. (By Ms. Weaver) Can Facebook create a 04:18:33
2 list of the exclusions that were ceased as a result
3 of this litigation?

4 A. My understanding is that we could.

5 Q. And how would you do that? 04:18:53

6 A. I think we've maintained the one -- or
7 maintained a list of what we updated because some
8 of these may still be available for inclusion. And
9 so we would -- we would know which ones those are.

10 Q. Other than this instance, are you aware 04:19:17
11 of other deprecated targeting options that have
12 occurred from 2007 to the present?

13 And let's exclude partner categories as
14 well for now.

15 A. Yes, we -- we've iterated what -- the 04:19:33
16 targeting options numerous times over the years,
17 both adding and removing targeting options.

18 Q. On how many occasions?

19 MR. BENJAMIN: Objection to form. Vague.

20 THE DEPONENT: Our review and update is 04:19:50
21 pretty continuous. I don't think that there's like
22 a -- a finite number of occasions where that's
23 happened.

24 Q. (By Ms. Weaver) On how many occasions
25 has Facebook deprecated targeting options as a 04:20:02

1 result of litigation or regulatory investigating? 04:20:04
2 MR. BENJAMIN: Objection to form.
3 And I'd caution the witness not to
4 disclose privileged information in her response.
5 THE DEPONENT: I -- I don't think I can 04:20:25
6 share an exact number.
7 Q. (By Ms. Weaver) Is it more than 20?
8 A. Occasions?
9 Q. Yes.
10 MR. BENJAMIN: Same objections and 04:20:35
11 caution.
12 THE DEPONENT: I -- I don't think I can
13 share a response.
14 Q. (By Ms. Weaver) When you say you don't
15 think you can share, is that because you don't know 04:20:42
16 or because you think it's privileged?
17 A. More the latter.
18 MS. WEAVER: I just need some clarity
19 here, Counsel.
20 Are you asserting a privilege over the 04:20:53
21 number of times that Facebook has deprecated
22 targeting options following litigation?
23 MR. BENJAMIN: May -- may I ask the
24 witness? It would be helpful to confer about
25 privilege. 04:21:08

1 MS. WEAVER: That's fine. 04:21:09

2 THE DEPONENT: That sounds good. Sorry.

3 Thank you.

4 SPECIAL MASTER GARRIE: Let's go off the

5 record. 04:21:13

6 THE VIDEOGRAPHER: Okay. We're off the

7 record. It's 4:21 p.m.

8 (Recess taken.)

9 THE VIDEOGRAPHER: We're back on the

10 record. It's 4:32 p.m. 04:32:08

11 Q. (By Ms. Weaver) Before we broke, the

12 pending question was, on how many occasions has

13 Facebook deprecated targeting options as a result

14 of litigation or regulatory investigation?

15 MR. BENJAMIN: And object to form and 04:32:21

16 scope.

17 You can answer.

18 THE DEPONENT: I'm aware of two times

19 that we've updated targeting options as a result of

20 settlements that we came to in litigation. 04:32:32

21 Q. (By Ms. Weaver) And what are those two

22 times?

23 A. Once is the NAFFA settlement in 2019,

24 where we limited the targeting options for housing,

25 employment and credit ads. 04:32:45

1 And this -- the other time is this one 04:32:47
2 from Washington State where we removed the
3 capability of exclusion for targeting options --
4 several targeting options.

5 Q. And then at a later point in time 04:32:56
6 Facebook removed the exclusion targeting option
7 altogether; is that right?

8 A. No. Sorry. We -- we -- you can exclude
9 some types of targeting. That was not a change we
10 made. 04:33:13

11 I'm not sure if that was something I -- I

12 confused on before. Let me know if I can clarify.

13 Q. Okay. So for example, today, is it okay
14 on Facebook for advertisers to exclude people with
15 veteran or military -- military status? 04:33:27

16 MR. BENJAMIN: Objection to form and
17 scope.

18 THE DEPONENT: We don't have someone's
19 military status. But that related targeting
20 options, like an interest in -- in a veteran topic 04:33:47
21 would not be available for exclusion, after the
22 updates that we made in 2018.

23 Q. (By Ms. Weaver) And so prior to 2018,
24 advertisers could exclude from related targeting
25 options users with veteran or military status; is 04:34:11

1 that right? 04:34:19

2 MR. BENJAMIN: Objection to form.

3 Misstates and scope.

4 THE DEPONENT: The interests -- so for

5 example, topics similar to the ones we were 04:34:26

6 discussing before, such as wheelchair users, those

7 were available for inclusion and exclusion. In

8 2018, we updated them to be inclusion only and not

9 usable for exclusion.

10 Q. (By Ms. Weaver) And the other similar 04:34:41

11 interests that were available for exclusion prior

12 to 2018, included sexual orientation and

13 disability; is that right?

14 A. Interests. Again, not specifically based

15 on people's characteristics. 04:34:57

16 Q. And so what kinds of interests are

17 related to sexual orientation, in Facebook's view?

18 MR. BENJAMIN: Objection to form and

19 scope. Foundation.

20 THE DEPONENT: An example would be a 04:35:16

21 cause or an organization related to LGBTQ.

22 Q. (By Ms. Weaver) Would it also include

23 visits to specific websites looking for, for

24 example, HIV medication?

25 MR. BENJAMIN: Same objections. 04:35:33

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1 THE DEPONENT: That's not part of 04:35:35
2 interest targeting. I'm not sure of the connection
3 in there.

4 Q. (By Ms. Weaver) Okay. What other
5 interests targeting did Facebook deem to be 04:35:40
6 associated with sexual orientation?

7 A. I -- that --

8 MR. BENJAMIN: Objection -- objection to
9 form and scope.

10 THE DEPONENT: Specifically, it was 04:35:50
11 interests that were related to causes,
12 organizations or events that tied into LGBTQ.

13 Q. (By Ms. Weaver) Does Facebook have a
14 list of the interests that related to those
15 categories as well, meaning veteran, military 04:36:07
16 status, sexual orientation and disability?

17 MR. BENJAMIN: Objection to form.

18 THE DEPONENT: We have a -- as I was
19 explaining before, we would be able to look at the
20 interests that are currently only -- or that were 04:36:23
21 updated to be inclusion only. And that would be
22 effectively what you're asking, I think.

23 MS. WEAVER: And so we're making formal
24 request, Counsel, for production of those.

25 Q. (By Ms. Weaver) Okay. I'm going to go 04:36:43

1 back for the third time to Exhibit 657 -- this is 04:36:46
2 not your fault, this is my fault -- to the bullet
3 point that says "Facebook's policies restricting"
4 users -- "advertisers' use of advertising-related
5 data" limiting it to the use case. 04:37:02

6 Do you remember we tried to talk about
7 that a couple times now?

8 A. Yes. We discussed it earlier.

9 Q. We did.

10 What steps did Facebook take to enforce 04:37:09
11 those policies; that is, to limit advertisers' use
12 of advertising-related data to the use case?

13 A. One of the most impactful and important
14 steps we take is that we build our product to help
15 prevent for potential misuse. 04:37:33

16 And as an example, we -- the -- the
17 minimum audience threshold and only providing
18 aggregated information to advertisers without
19 disclosing to them who saw their ad are protections
20 to ensure that -- that advertisers only use 04:37:51
21 advertising-related data for the use case of
22 placing ads.

23 Q. Is there any kind of task force that
24 investigates to make sure that advertisers are
25 using advertising-related data only for the 04:38:06

1 advertising? 04:38:09

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: Again, because we don't

4 disclose that information, advertisers don't have

5 access to who saw their ad or they're -- and 04:38:21

6 they're not able to -- to reidentify that, which is

7 the primary restriction and protection.

8 Q. (By Ms. Weaver) Okay. The question was,

9 is there any kind of task force at Facebook that

10 operates to make sure advertisers are using 04:38:41

11 advertising-related data only for advertising?

12 A. I'm not clear what they would look for,

13 since our product does not provide the user level

14 information to advertisers.

15 Q. Okay. But I'm -- I'm not asking what -- 04:39:00

16 I'm literally just saying, is there a task force,

17 yes or no?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: I -- I understand the

20 question. 04:39:13

21 It seems to assume that the task force

22 would have to look for something. And my point is

23 that the product does not give the advertisers who

24 saw their ad. And so I'm not sure what the task

25 force would accomplish. 04:39:24

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1 Q. (By Ms. Weaver) Okay. I have that 04:39:25
2 answer. You don't need to give it again.

3 The question is, is today, does Facebook
4 have a task force that is focused on ensuring that
5 advertisers' use of advertising-related data is 04:39:36
6 limited to advertising?

7 MR. BENJAMIN: Object to form.
8 Argumentative. And asked and answered.

9 THE DEPONENT: The product build those
10 protections in. We don't have an additional task 04:39:59
11 force looking at this specifically because the
12 product has those protections built in.

13 Q. (By Ms. Weaver) Thank you.

14 What is the ads integrity team?

15 A. Ads integrity was -- was a team. It's 04:40:23
16 been renamed business integrity. Helps uphold our
17 advertising policies. So the policies that -- that
18 dictate the type of content and restrictions on
19 advertising.

20 Q. What specific policies does the ads 04:40:41
21 integrity team enforce, and can you give examples
22 of such enforcement?

23 MR. BENJAMIN: Objection to form.

24 THE DEPONENT: Yeah. The -- as an
25 example, under our policies, they're restricted 04:40:55

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1 content, prohibited content. The advertiser -- or 04:40:58
2 business integrity team manages those policies
3 and -- and builds our detection for them.

4 Q. (By Ms. Weaver) What do you mean by
5 restricted content? 04:41:12

6 A. So as an example, content that we require
7 specific targeting parameters for or disallow other
8 targeting parameters for.

9 Q. What is an example of content that you
10 require specific targeting parameters for? 04:41:27

11 A. In order to run an alcohol ad, the
12 advertiser must set their targeting to 18 plus or
13 21 plus, depending on the location they're trying
14 to run their ad.

15 Q. Any other examples that you can think of? 04:41:41

16 A. Yes. Weight loss ads must be 18 and
17 above. Similar, gambling ads require specific --
18 have -- an advertiser choosing to run a gambling ad
19 has to also have age targeting set appropriately
20 for their location. 04:42:00

21 There's content we also outright prohibit
22 that's under our --

23 Q. Like what?

24 A. We don't allow weapons to be sold in ads.
25 We don't allow discriminatory content. We don't -- 04:42:12

1 back to the restricted examples. 04:42:16

2 We don't allow housing, employment and
3 credit advertisers to run -- you -- they have to
4 run with the specific limited targeting options
5 provided to them after 2019. That's an example of 04:42:26
6 something that the business integrity team
7 enforces.

8 Q. Anything else?

9 A. Yes. If -- I mean, the -- the policies
10 in our advertising policies are enforced on by our 04:42:42
11 business integrity team. Those were examples.

12 Q. Right.

13 So what specific policies are you
14 thinking of that they say that they enforce?

15 MR. BENJAMIN: Objection to form and 04:42:56
16 scope.

17 THE DEPONENT: I'm sorry. Can you repeat
18 the question.

19 Q. (By Ms. Weaver) Yes.

20 So I -- if you go to Exhibit 657, the -- 04:43:08
21 the middle bullet point says "Ms. Leone will be
22 prepared to discuss: The role of Facebook's Ads
23 Integrity Team."

24 Do you see that?

25 A. Yes. 04:43:21

1 Q. So what specific policies is the ads 04:43:21
2 integrity team enforcing?

3 A. Our advertising policies are what they
4 enforce. The examples I gave were the restricted
5 content and prohibited content sub-policies within 04:43:35
6 there. I don't know the full set of policies off
7 by heart.

8 Q. Can you think of any other examples, as
9 you sit here?

10 MR. BENJAMIN: Objection to form. Vague. 04:43:54

11 THE DEPONENT: In addition to the
12 restricted content policies that I --

13 Q. (By Ms. Weaver) Yes.

14 A. -- explained, such as alcohol, gambling,
15 weight loss, and the prohibited content, such as 04:44:03
16 weapons, hateful content -- hateful -- anything
17 that -- that goes against our community standards.
18 So if you're promoting something we've designated
19 as a dangerous organization, those are all areas
20 that they would help enforce. 04:44:23

21 Q. So there's a myriad of ways in which
22 Facebook can enforce and limit the scope of
23 advertising content sent to users, right?

24 A. We have enforcement for those policies,
25 yes. 04:44:40

1 Q. But there is no task force to enforce 04:44:48
2 whether or not advertisers are using data for use
3 cases other than advertising, correct?

4 MR. BENJAMIN: Objection. Objection to
5 form. 04:44:59

6 THE DEPONENT: Our protections to prevent
7 misuse is that we build the products so they don't
8 get that data. That is an upstream protection that
9 is distinct from enforcing a content policy where
10 there isn't the same corollary. It's -- it's a 04:45:14
11 very different problem space and so we built it
12 into the product.

13 Q. (By Ms. Weaver) So if you learned that
14 third parties were scraping, for example, Facebook
15 user IDs, there's no task force that could 04:45:25
16 investigate to prevent it.

17 Facebook simply relies on the fact that
18 the policy is they're not supposed to do that; is
19 that right?

20 MR. BENJAMIN: Objection to form. 04:45:36
21 Misstates prior testimony. Argumentative.

22 THE DEPONENT: That's incorrect. We have
23 teams that look at scraping. That is outside of
24 advertising. It is not relevant to the information
25 we provide to advertisers in their performance -- 04:45:50

1 in the performance of their ads. 04:45:53

2 Q. (By Ms. Weaver) And would you view
3 yourself as a privacy specialist?

4 A. That is not a title I assign to myself.

5 Q. Okay. So within -- 04:46:04

6 A. I'm not sure what we mean by it.

7 Q. Sure.

8 Within the scope of your -- you've been
9 the privacy -- a privacy and policy manager at
10 Facebook since November 2019; is that right? 04:46:15

11 A. Yes.

12 Q. And what are your duties and
13 responsibilities in that role?

14 A. I work with our ads product teams to
15 understand where they're going to develop future 04:46:27
16 products. I consult with them. I work with them
17 on updates to our current products.

18 Q. So what's the privacy piece of your job
19 description that appears in your title?

20 A. I focus on Facebook's data use. 04:46:42

21 Q. And when you say "Facebook's data use,"
22 what do you mean?

23 A. I mean the type of information that we
24 use for ads.

25 Q. And do you focus on what information 04:46:53

1 Facebook shares with third parties? 04:46:56

2 A. That sometimes is in scope in the context
3 of ads.

4 Q. Is there somebody else who's primarily
5 responsible for addressing what Facebook -- what 04:47:05
6 information Facebook shares with third parties and
7 whether or not it complies with Facebook's
8 policies?

9 MR. BENJAMIN: Objection to form.

10 THE DEPONENT: In the context of scraping 04:47:22
11 more generally across the platform, yes.

12 Is that --

13 Q. (By Ms. Weaver) And in -- at an even
14 more high level, is there somebody responsible at
15 Facebook for determining whether or not when 04:47:33
16 Facebook shares data with third parties, it is
17 complying with Facebook's policies?

18 A. Yes.

19 Q. Who is that?

20 A. Our -- our privacy org is part of that 04:47:45
21 assessment. An example would be Mike Clark.

22 Q. Anyone other than Mr. Clark?

23 MR. BENJAMIN: Objection to form and
24 scope.

25 THE DEPONENT: He -- he's -- he is the 04:48:02

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1 POC I know that -- that is involved in what it 04:48:04
2 sounds like you're getting at, which is access by
3 third parties to data across Facebook.

4 Q. (By Ms. Weaver) What does POC mean in
5 this context? 04:48:18

6 A. I'm sorry.
7 Point of contact.

8 Q. Another person might think it means
9 person of color.

10 A. Yes, I realize once I said it. 04:48:26

11 Q. So Mike Clark is the lead person in the
12 privacy organization responsible for enforcing
13 whether or not Facebook's sharing of data with
14 third parties complies with its policies; is that
15 right? 04:48:43

16 MR. BENJAMIN: Objection to scope and
17 form.

18 THE DEPONENT: His team manages -- from
19 my understanding, his team manages with how third
20 parties -- if they have inappropriately accessed 04:49:01
21 data, as an example through the scraping UIDs that
22 you've mentioned.

23 Q. (By Ms. Weaver) And what is the name of
24 his team?

25 MR. BENJAMIN: Same objections. 04:49:14

1 THE DEPONENT: I -- I'm actually not sure 04:49:14
2 the official name of his team.

3 Q. (By Ms. Weaver) In addition to scraping,
4 is his team the team that's responsible for
5 determining if, for example, data shared with third 04:49:24
6 parties might allow users to be personally
7 identified?

8 MR. BENJAMIN: One moment.
9 Objection to form and scope.

10 THE DEPONENT: I -- I'm not sure of the 04:49:48
11 parameters of what you mean. I don't think that
12 there is a singular POC that looks at that.

13 We have our misuse, which is what I was
14 explaining Mike Clark's team does. And then we
15 also have the protections we've put in place within 04:50:06
16 ads to ensure that we don't provide identifiable
17 information to advertisers.

18 So I -- I -- do you mind clarifying what
19 you're looking for that's distinct from those two.

20 Q. (By Ms. Weaver) You understand that 04:50:21
21 protections are different than enforcement, right?

22 A. Yes.

23 Q. So I'm trying to find out who is -- who
24 is responsible for enforcing that Facebook does not
25 share identifiable information with third parties. 04:50:36

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1 MR. BENJAMIN: Objection. 04:50:42

2 Q. (By Ms. Weaver) Do you know who that is,
3 if anyone?

4 MR. BENJAMIN: Objection to form and
5 scope. 04:50:46

6 THE DEPONENT: The access third parties
7 have to our -- to data across Facebook is something
8 Mike Clark's team evaluates.

9 Q. (By Ms. Weaver) What's your
10 understanding of the definition of personally 04:51:02
11 identifiable information?

12 MR. BENJAMIN: Scope and form.

13 THE DEPONENT: Something that is
14 specifically tied to a user and uniquely tied to a
15 user. 04:51:17

16 Q. (By Ms. Weaver) Do you have an
17 understanding that actually personally identifiable
18 information is anything that could be used to
19 reasonably identify a person?

20 MR. BENJAMIN: Objection to form and 04:51:30
21 scope. And to the extent it calls for legal
22 conclusion.

23 THE DEPONENT: I understand that's a
24 definition that you presented and I -- I -- I
25 understand what you mean. 04:51:41

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1 Q. (By Ms. Weaver) What is Facebook's 04:51:43
2 understanding of what it means when they promise
3 that they will not provide personally identifiable
4 information to advertisers?

5 A. That we -- 04:51:56

6 MR. BENJAMIN: Objection -- objection to
7 form and scope of this deposition.

8 THE DEPONENT: That we don't provide
9 information to advertisers so that they -- can
10 understand who saw their ad. 04:52:08

11 Q. (By Ms. Weaver) And just, again, to
12 address the scope, under topic 8 on page 3 of
13 Exhibit 657 of the letter that Mr. Benjamin wrote
14 me, topic 8 is the "type and purpose of Data and
15 Information Facebook provided." 04:52:26

16 MR. BENJAMIN: Special Master --

17 MS. WEAVER: And it states that Ms. Leone
18 will be prepared to discuss how Facebook tracks
19 user data received from advertisers, its
20 relationships and the ads placed, and tracks data, 04:52:44
21 if any, provided to advertisers.

22 Q. (By Ms. Weaver) Going back to the
23 question --

24 MR. BENJAMIN: Special Master, would you
25 prefer that I respond outside the presence of the 04:52:54

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1 witness? 04:52:56

2 SPECIAL MASTER GARRIE: I -- I would,

3 actually.

4 Would be it okay, Ms. Leone, if you go to

5 the breakout room for a few minutes. 04:53:02

6 THE DEPONENT: Yup.

7 SPECIAL MASTER GARRIE: Say five

8 minutes -- wait until your counsel comes and gets

9 you.

10 MR. BENJAMIN: Are we on the record? 04:53:20

11 SPECIAL MASTER GARRIE: Yup.

12 MR. BENJAMIN: Thank you. Just to

13 respond briefly to Counsel Weaver, Special Master.

14 So the letter actually reads and the

15 first bullet says the "Tracking of '[t]he type and 04:53:27

16 purpose of Data and Information Facebook'"

17 receives.

18 I believe Counsel Weaver only read the

19 part after "Tracking."

20 Moreover association and identification 04:53:37

21 of user info was, as you know, the subject of

22 topic 4 and other 30(b)(6) testimony.

23 So my scope objection was asserted in

24 response to a question about -- I'll read it --

25 "What is Facebook's understanding of what it means 04:53:54

1 when they promise that they will not provide 04:53:57
2 personal identifiable information to advertiser."
3 I don't think that that relates to the
4 tracking of the type and purpose of data and
5 information Facebook receives. And, again, 04:54:07
6 plaintiffs have already taken two different
7 30(b)(6) depositions on association identification
8 under topic 4.
9 SPECIAL MASTER GARRIE: Counsel Weaver,
10 is there anything you want to put on the record? 04:54:21
11 MS. WEAVER: Sure.
12 This witness has testified already at
13 length that Facebook is not providing personally
14 identifiable information. I'm trying to understand
15 what she means when she said that on behalf of 04:54:33
16 Facebook.
17 MR. BENJAMIN: I believe Ms. Leone has
18 testified repeatedly that Facebook doesn't provide
19 advertisers with user level data.
20 SPECIAL MASTER GARRIE: User -- user 04:54:48
21 granular data, I think she used. Granular level,
22 yeah.
23 MR. BENJAMIN: Yeah. So, again,
24 topic 8 -- and I just want to read the -- let's
25 just start with reading what the letter actually 04:54:57

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1 says into the record. 04:54:59

2 It says that "Ms. Leone will be prepared
3 to address:" -- the first bullet says -- the
4 "Tracking of '[t]he type and purpose of Data and
5 Information Facebook received.'" 04:55:07

6 Topic 8(a). That's the language that
7 Counsel Weaver read in part.

8 And she was asked to define a term,
9 personally identifiable information, and I objected
10 to it as being out of scope. 04:55:20

11 MS. WEAVER: That's what just happened.
12 But three hours ago she spent a long time talking
13 about how certain information does not identify the
14 user, including geo location and all of the other
15 categories. 04:55:32

16 I want to understand what Facebook -- the
17 people in Facebook's advertising department, who
18 are saying "We don't give third parties personally
19 identifiable information," I am entitled to
20 corporate testimony on what they mean when they say 04:55:45
21 that.

22 SPECIAL MASTER GARRIE: All right. Is
23 the witness prepared to -- well, before we get into
24 the nits and nats of all this, is the witness
25 prepared to answer the question on behalf of 04:55:56

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1 Facebook or not? 04:55:59

2 MR. BENJAMIN: Which question

3 specifically, Special Master?

4 SPECIAL MASTER GARRIE: The one

5 Counsel Weaver just asked that you objected to 04:56:04

6 that's outside of scope.

7 MS. WEAVER: Let me -- let me, if I can,

8 just let me read from 218, lines 3 through 10.

9 "So the representation here is that

10 Facebook is not providing any 04:56:25

11 personally identifiable information

12 through the targeted advertising

13 process, right?

14 Objection to form. Vague.

15 We don't provide advertisers 04:56:32

16 information about the users who saw

17 their ad and how to identify those

18 users."

19 So she's made this assertion that's a

20 shield for Facebook, and I just want to ask what 04:56:43

21 her understanding of personally identifiable

22 information is.

23 MR. BENJAMIN: That isn't the -- but that

24 isn't the term that she used, and you've already

25 taken two different 30(b)(6) depositions about this 04:56:53

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1 topic. 04:56:57

2 MS. WEAVER: No, I have not. And, in
3 fact, we'll get to it, but Mr. Clark refused to
4 actually define the term.

5 MR. BENJAMIN: She -- she's -- she's not 04:57:04
6 been designated to provide corporate testimony on
7 Facebook's understanding of the meaning of
8 personally identifiable information.

9 MS. WEAVER: And here we are again. Of
10 course we didn't enumerate every question we have 04:57:15
11 to -- we -- we were going to ask. The very
12 question is, what data is Facebook giving to third
13 parties. And is it identifiable.

14 MR. BENJAMIN: That -- that is the --

15 MS. WEAVER: The next question is, are 04:57:30
16 you going to --

17 SPECIAL MASTER GARRIE: Wait, wait.
18 Everybody is interpreting my -- my silence as a
19 reason to talk. It's just I'm thinking. My
20 apologies. 04:57:42

21 I guess the first question,
22 Counsel Benjamin, is the witness prepared to answer
23 the question on behalf of Facebook?

24 MR. BENJAMIN: The witness was not
25 designated to provide the company's position about 04:57:56

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1 the meaning of personally identifiable information. 04:57:58

2 SPECIAL MASTER GARRIE: I -- I understand
3 that. That's not the question that's pending.

4 MR. BENJAMIN: So I'm -- I'm just looking
5 at it before we went -- we went into this colloquy, 04:58:10
6 Special Master, so I'll just -- I'll read it so
7 we're all on the same page.

8 One moment. Ms. Weaver, if you have it
9 in front of you, I just want to make sure that
10 we're discussing the same question. 04:58:36

11 "What is Facebook's understanding" --
12 this is line 12 -- "What is Facebook's
13 understanding of what it means when they promise
14 that will not provide personal identifiable
15 information to advertiser?" 04:58:52

16 That was the question that -- to which I
17 objected on form and scope. And then Ms. Weaver
18 went to the bullet point in the letter that she
19 read part of.

20 SPECIAL MASTER GARRIE: I -- I'm very 04:59:07
21 aware and my question is, is Facebook -- is the
22 witness prepared to answer the question on behalf
23 of Facebook?

24 MR. BENJAMIN: So I believe the question
25 that's pending actually misstates the record. 04:59:36

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1 So I -- I can't tell you, Special Master, 04:59:42
2 that she's prepared to answer that specific
3 question because I think that it's objectionable in
4 a number of ways.

5 What she has said is that we don't 04:59:51
6 provide data to advertisers identifying individual
7 users. She hasn't provided testimony based on a
8 definition of personal -- of PII. So I -- she's
9 very prepared to explain all the ways --

10 SPECIAL MASTER GARRIE: I just have a 05:00:09
11 simple -- so -- you -- I -- I understand you're
12 objecting to the question and the form.

13 My question is, the question as it is, is
14 she prepared to answer the question on behalf of
15 Facebook. Not the form of the question and not 05:00:24
16 whether it's -- just -- and then I can --

17 MR. BENJAMIN: Right. It's just -- yeah,
18 I -- I think the answer, Special Master, is it's
19 just not in scope. So...

20 MS. WEAVER: Okay. And I just want to go 05:00:37
21 on the record that --

22 SPECIAL MASTER GARRIE: We're still on
23 the record.

24 MS. WEAVER: Fair enough.

25 SPECIAL MASTER GARRIE: So can I just 05:00:44

1 finish? 05:00:45

2 MS. WEAVER: Yes.

3 SPECIAL MASTER GARRIE: Let -- let me

4 just -- just finish here.

5 That's fine, Counsel Benjamin. I just -- 05:00:48

6 so then before we go further, I want to be

7 respectful of the witness' time and the effort that

8 has been done.

9 And if there's an issue about scope and

10 other things, and the witness isn't prepared to 05:01:10

11 answer the question, Counsel Weaver, on behalf of

12 Facebook -- I mean, we -- I mean, there's -- I'm

13 not going to permit a line of questioning whether

14 or not prepared to answer it.

15 If so, if there are -- well, 05:01:26

16 Counsel Weaver, if you would like to respond on the

17 record and then Counsel Benjamin rebuttal. And

18 then I'll make the ruling quickly.

19 MS. WEAVER: Okay.

20 SPECIAL MASTER GARRIE: Counsel Weaver. 05:01:38

21 MS. WEAVER: Yes. We marked Exhibit 658

22 a couple of hours ago. We covered the promise in

23 this document -- there's a document identified by

24 Facebook as a document that this witness would be

25 prepared to testify. This is the second time this 05:01:50

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1 has happened in this case. 05:01:53

2 That document says at page 5, "We don't
3 share information with advertisers that personally
4 identifies individuals unless they've given us
5 permission." 05:02:03

6 She then testified about this document.
7 And when I asked, the representation here is that
8 Facebook is not providing any personally
9 identifiable information through the targeting --
10 the targeted advertising process, right. 05:02:16

11 And she said "We don't provide
12 advertisers information about the users who saw
13 their ad and how to identify those users."

14 Now I'm trying to dig in, when we talk
15 about enforcement, and all of a sudden she can't 05:02:28
16 define the words in the document that Facebook
17 identified that she would be prepared to discuss
18 with regard, very specifically, to what Facebook
19 shares through the targeted advertising process.

20 I think it's very clearly within scope. 05:02:42
21 And at some point we're going to bring a motion to
22 compel Facebook to identify and define what
23 personally identifiable information is in documents
24 that they are identifying their witness as having
25 knowledge of. 05:02:59

1 MR. BENJAMIN: Yeah, Special Master, 05:02:59
2 the -- the rebuttal is very short.
3 I -- Counsel Weaver said it already.
4 This -- this document itself was the subject of
5 extensive testimony. Ms. Leone answered all the 05:03:08
6 questions she was asked about it. She didn't
7 define personally identifiable information. The
8 question that I read is clearly outside of scope.
9 Plaintiffs have already taken two
10 depositions on this subject. And we were very 05:03:21
11 clear about what Ms. Leone was designated to
12 testify to in all of the prior meet-and-confers.
13 So, again, I just want to be clear, what
14 she has said consistently throughout this
15 deposition is that Facebook doesn't provide 05:03:33
16 advertisers with user level data.
17 And Counsel Weaver is -- should feel free
18 to explore with her what that means. I was just
19 lodging a scope objection to the specific question
20 that was asked, which relies on a term that 05:03:48
21 Ms. Leone hasn't used and that isn't in the
22 document that Counsel Weaver just pointed to.
23 MS. WEAVER: It -- it is in the document.
24 The word personally identifiable information is --
25 SPECIAL MASTER GARRIE: It's on page 5. 05:04:02

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1 MS. WEAVER: Sorry. 05:04:03

2 SPECIAL MASTER GARRIE: I mean, it --

3 that word personal -- it is on page 5 of the

4 document. I just read it myself. So that --

5 unless I'm reading a different document, 05:04:13

6 Counsel Benjamin, but --

7 MR. BENJAMIN: I was -- I was referring

8 to the phrase "personal identifiable information or

9 PII" which -- which we all understand can be a term

10 of art. 05:04:25

11 So again --

12 SPECIAL MASTER GARRIE: Counsel Weaver.

13 No, no, I heard -- I -- I understand,

14 Counsel Benjamin.

15 MR. BENJAMIN: Thank you. 05:04:38

16 SPECIAL MASTER GARRIE: Counsel Weaver.

17 MS. WEAVER: I'm looking at -- just give

18 me a moment here.

19 What is the difference between

20 information that personally identifies individuals 05:04:50

21 or personally identifiable information?

22 Aren't I entitled to explore Facebook's

23 understanding of that. The sentence says

24 information that -- with advertisers that

25 personally identifies individual. And if I ask 05:05:02

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1 about personally identifiable information, Facebook 05:05:04
2 refuses to provide it. And this is the second
3 time.

4 In Mr. Clark's deposition, he said he
5 needed to look at a document to give me testimony. 05:05:13
6 And when we gave it to him, it had this term -- it
7 said had personally identifiable information in it
8 and Facebook wouldn't provide a deposition.

9 And now Ms. Leone is saying this is the
10 guy that's responsible for enforcement. He doesn't 05:05:26
11 know what personally identifiable information is.
12 Now I want to know if she does.

13 I don't know how to get to the bottom of
14 this case. I can bring a motion to compel to bring
15 her back. I will. Somebody's got to be able to 05:05:38
16 answer that question before the close of discovery.

17 MR. BENJAMIN: I'm sorry, Ms. Weaver. I
18 didn't mean to step on your sentence. Just two
19 very quick points.

20 Number one, I think when Counsel Weaver 05:05:48
21 was actually examining Ms. Leone about the
22 document, she asked her what that language meant.
23 And that was appropriate, and I think that
24 testimony was provided.

25 If she puts the doc- -- if she wants to 05:06:01

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1 put the document in front of Ms. Leone again and 05:06:02
2 ask her for Facebook's understanding of that
3 language in the policy, maybe -- maybe that's a way
4 to cut through this.

5 All -- all I was reacting, 05:06:10
6 Special Master, was the --

7 SPECIAL MASTER GARRIE: No, no, I get it.
8 I -- Counsel Benjamin, I understand. I get what
9 you were reacting to. We've kind of gone off the
10 rails a bit. I recognize that. I let you guys 05:06:19
11 speak, arguably too much.

12 Not a reflection of your litigation
13 prowess, it's just a little bit afield of what the
14 objection had to do with.

15 Counsel Weaver, with the information 05:06:44
16 that's been provided by Counsel Benjamin, you
17 can -- the witness isn't prepared to testify on
18 behalf of Facebook the way the question is phrased.

19 If you want to rephrase the question and
20 explore the topic further, it's perfectly 05:06:58
21 reasonable. If you wish to bring a motion to
22 compel to get the definition of personal
23 identifiable information from a Facebook designated
24 representative, you are well within your rights.

25 But this witness is prepared to testify on the 05:07:13

1 topics and the question was asked. 05:07:17

2 So with that in mind, I ask -- consider

3 it as a strong ask -- that you consider re- --

4 rephrasing your question with the information

5 that's been provided, recognizing that the witness 05:07:36

6 simply isn't prepared to testify on behalf of

7 Facebook the way the question is being asked.

8 MS. WEAVER: Okay.

9 MR. BENJAMIN: Thank you, Special Master.

10 SPECIAL MASTER GARRIE: That doesn't -- 05:07:52

11 just to -- for the record, that doesn't mean

12 plaintiffs aren't entitled to a witness to answer

13 or explain, if they feel that that information is

14 critical or necessary to their case. But this

15 witness -- 05:08:04

16 MS. WEAVER: I mean, the one thing I

17 would say is if Facebook is providing documents to

18 us with these terms in it, and then I ask about

19 them and they tell me it's not within the scope --

20 I mean, do I have to go through every document that 05:08:13

21 has terms in it and identify now within the

22 documents you better be able to talk about these

23 terms?

24 SPECIAL MASTER GARRIE: No --

25 MR. BENJAMIN: Yeah. 05:08:27

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1 SPECIAL MASTER GARRIE: -- I don't 05:08:27
2 think that's what's being --
3 MR. BENJAMIN: Yeah.
4 SPECIAL MASTER GARRIE: I -- I think -- I
5 think -- no. I mean, I -- at least not from where 05:08:29
6 I sit. But I would just -- the particular question
7 you've asked and the way it was asked, I think if
8 you reask the question using --
9 MS. WEAVER: Okay.
10 SPECIAL MASTER GARRIE: -- that you 05:08:44
11 probably will make forward progress. I think
12 Counsel Benjamin alluded to one possible approach
13 to getting forward progress may or may not --
14 depending on -- on where we go.
15 So we'll call the witness back, 05:08:59
16 Counsel Benjamin, and we'll keep going.
17 MR. BENJAMIN: Thank you.
18 THE COURT REPORTER: Can we just take --
19 can we take five?
20 SPECIAL MASTER GARRIE: Yes, we can. 05:09:14
21 MS. WEAVER: And how much time do we have
22 left?
23 All right. Let's go off the record.
24 THE VIDEOGRAPHER: Off the record. It's
25 5:09 p.m. 05:09:20

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1 (Recess taken.) 05:09:21

2 THE VIDEOGRAPHER: We are back on the
3 record. It's 5:19 p.m.

4 Q. (By Ms. Weaver) Ms. Leone, I'll ask you
5 to take a look at Exhibit 658. 05:19:43

6 A. I have it up.

7 Q. And turning to the page we discussed
8 earlier, on page 5.

9 And there's a bullet point that says, "We
10 don't share information with advertisers that 05:19:59
11 personally identifies individuals unless they've
12 given us permission."

13 Do you see that?

14 A. Yes.

15 Q. What is your understanding of information 05:20:07
16 that personally identifies individuals?

17 A. In the context of ads, it's that we do
18 not share with the advertiser who saw their ad so
19 that they understand who that user was.

20 Q. And when you say who -- "We do not share 05:20:23
21 who saw their ad," what do you mean?

22 A. The user who saw their ad. We don't
23 share the identity of that user with the
24 advertiser.

25 Q. Does Facebook share information that 05:20:38

1 enables third parties to identify the user? 05:20:41

2 MR. BENJAMIN: Objection to form.

3 THE DEPONENT: No. As I mentioned, our
4 product -- the protections in our product, such as
5 the performance metrics, are aggregated so to avoid 05:20:58
6 an advertiser reassociating and trying to identify
7 the user who saw the ad.

8 Q. (By Ms. Weaver) And do you think that
9 geo location is an example of information that
10 personally identifies an individual? 05:21:15

11 MR. BENJAMIN: Objection to form.

12 THE DEPONENT: In the context of ads, we
13 don't share who viewed the ad or their location
14 with an advertiser.

15 Q. (By Ms. Weaver) But if an advertiser is 05:21:37
16 seeking to advertise within a one-mile radius
17 and/or if they are using their own customer list,
18 doesn't the advertiser know who the person is?

19 MR. BENJAMIN: Objection to form and
20 scope. 05:21:54

21 THE DEPONENT: No. They -- for example,
22 if someone selects a radius or selects their
23 location targeting, they don't know who sees the
24 ad. We don't share the information with them about
25 who's seeing the ad. 05:22:09

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1 Q. (By Ms. Weaver) Okay. So the -- then 05:22:11
2 your testimony on behalf of Facebook is that
3 because Facebook is not sharing who saw the ad, it
4 is not sharing information that personally
5 identifies individuals; is that correct? 05:22:22

6 MR. BENJAMIN: Objection to form.
7 Misstates.

8 THE DEPONENT: We don't share information
9 about who saw the ad to the advertiser so that they
10 can identify that user. 05:22:37

11 Q. (By Ms. Weaver) I understand that you
12 have to keep repeating the sentence, and I'm trying
13 to drill in by -- on what you mean by who saw the
14 ad.

15 When you say "we don't identify who," do 05:22:45
16 you mean by name?

17 A. I mean individual users. Their name is
18 an example, similar to Lesley Weaver saw this ad.
19 That is not what we share with advertisers.

20 Q. Okay. Can you give me the full list of 05:23:00
21 what you think it is that Facebook does not share,
22 such that it is not sharing information that
23 personally identifies individuals?

24 MR. BENJAMIN: Objection to form.

25 THE DEPONENT: I -- I can't define 05:23:18

1 everything we don't share. It's -- 05:23:20

2 Q. (By Ms. Weaver) Let me put it this way.

3 What is that you think is information that

4 personally identifies individuals?

5 MR. BENJAMIN: Objection to form. 05:23:35

6 THE DEPONENT: In the context --

7 MR. BENJAMIN: Sorry. Objection to form

8 and scope.

9 I understand Counsel Weaver still to be

10 examining you about Exhibit 658 and the language in 05:23:45

11 that document.

12 You can answer.

13 THE DEPONENT: In the context of ads,

14 it's that we do not provide advertisers with

15 information to understand who saw their ad, 05:23:56

16 specifically which users saw their ad.

17 Q. (By Ms. Weaver) Give me the examples of

18 the information that you just referred to in that

19 answer.

20 A. We don't -- in our -- as an example, in 05:24:15

21 our performance metrics, those are aggregated so

22 that an advertiser doesn't know who specifically

23 clicked or saw their ad.

24 Q. I understand.

25 I'm asking you a different question. 05:24:29

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1 What is the kind of information that you 05:24:31
2 think would personally identify an individual?

3 MR. BENJAMIN: Objection to form. Asked
4 and answered. Vague.

5 THE DEPONENT: In the context of ads, 05:24:44
6 again, it's who saw your ad and which users those
7 were, which would personally identify someone in
8 the context of ads.

9 Q. (By Ms. Weaver) So do you mean name, or
10 email, or what is the kind -- I need examples of 05:24:55
11 the kind of information that you say would
12 personally identify an individual.

13 MR. BENJAMIN: Yeah.

14 Q. (By Ms. Weaver) What do you mean?

15 MR. BENJAMIN: Objection to form and 05:25:08
16 scope. And I'll just make a running objection for
17 the sake of the record.

18 And so as not to impede the deposition to
19 this entire line of questioning, I understand
20 Counsel Weaver to examining you about the language 05:25:19
21 within Exhibit 658 about information that
22 personally identifies individuals.

23 On that basis, you can answer.

24 THE DEPONENT: As an example, we don't
25 share with advertisers the person who saw the ad, 05:25:36

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1 which would include their name, their UID, or their 05:25:39
2 email, because that's not information we share with
3 advertisers in delivering the ads that they've
4 placed on Facebook.

5 Q. (By Ms. Weaver) What about IP address? 05:25:51
6 Is that an example of information that could be
7 used to personally identify an individual?

8 MR. BENJAMIN: Same objections to form
9 and scope.

10 THE DEPONENT: It's not information we 05:26:05
11 share with an advertiser, as a starting point. In
12 the context of ads -- again, it's not information
13 we share with advertisers about who's seeing their
14 ad.

15 Q. (By Ms. Weaver) If a advertiser wants to 05:26:25
16 target IP addresses or geo location, in your
17 understanding, could that be used to identify an
18 individual?

19 A. Our targeting options --

20 MR. BENJAMIN: Sorry, Bella. 05:26:39
21 Same objections.

22 THE DEPONENT: Our targeting options
23 aren't based on IP address. That's not a targeting
24 option we offer.

25 Q. (By Ms. Weaver) Okay. It is something 05:26:48

1 that you mentioned earlier today. 05:26:49

2 Do you recall that?

3 A. To clarify, what I explained earlier was
4 an advertiser selects where they want their ad to
5 be shown. So if they want their ad to be shown to 05:27:01
6 people in Washington State. And then we use that
7 to set the eligible audience for the ad.

8 One of the ways someone can be included
9 in it includes location, such as IP, based on their
10 IP. That is not the same as giving the advertiser 05:27:21
11 the ability to select IP addresses to target.

12 Q. And is it your understanding that
13 information that can be used one or two data points
14 together to identify a person would constitute
15 information that personally identifies individuals? 05:27:43

16 MR. BENJAMIN: Same objection to form and
17 scope, with respect to Exhibit 658.

18 THE DEPONENT: I can understand what you
19 mean about combining data points. I do not see the
20 relevance of how that's happening within our ad 05:28:01
21 targeting or the information we provide back to
22 advertisers, because we specifically don't provide
23 information back to advertisers at the user --
24 at the individual or user level.

25 Q. (By Ms. Weaver) On behalf of Facebook, 05:28:16

1 as you sit here today, is Facebook aware that 05:28:17
2 advertisers or AP -- developers were scraping UIDs
3 via the platform API?

4 MR. BENJAMIN: Objection to form. And
5 asked and answered repeatedly. And scope. 05:28:35

6 THE DEPONENT: I think I clarified that
7 I'm not aware of specific instances. It is not my
8 role to be aware of specific instances of where
9 scraping is occurring on the platform.

10 Q. (By Ms. Weaver) Is Uber a partner who 05:28:55
11 advertises on Facebook using custom audiences?

12 MR. BENJAMIN: Objection to form. Vague.

13 THE DEPONENT: I -- I take it you mean
14 Uber, like the ride share company?

15 Q. (By Ms. Weaver) Yes. 05:29:14

16 A. I don't know the specific audiences or
17 ways that they set up their ads on our platform.

18 MS. WEAVER: Will you take a look at 663,
19 please.

20 (Exhibit 663 was marked for 05:29:29
21 identification by the court reporter and is
22 attached hereto.)

23 THE DEPONENT: Yes. I'm sorry. 662 --
24 oh, -3. I see it.

25 Q. (By Ms. Weaver) And take a moment to 05:29:32

1 read it and let me know when you have. 05:29:33

2 A. This is going to take me a minute. I
3 haven't seen this before.

4 MS. WEAVER: No problem.

5 MR. BENJAMIN: Counsel, was this a 05:29:51
6 document that was identified before the deposition?

7 MS. WEAVER: No, it was not, because I
8 did not expect the testimony that we got, and it's
9 in for impeachment purposes.

10 THE DEPONENT: I -- I've read through. 05:32:07

11 Q. (By Ms. Weaver) Who is Ian Abernathy?

12 MR. BENJAMIN: Objection. Based on
13 scope.

14 And I'll assert that as a running
15 objection to the questioning on this document. 05:32:17

16 THE DEPONENT: I don't know who
17 Ian Abernathy is. I have not worked with him
18 before.

19 Q. (By Ms. Weaver) Do you know who
20 Grace Molnar is? 05:32:25

21 A. No, I also don't know who Grace is.

22 Q. Do you know who Allison Hendrix is?

23 A. I do know Ali Hendrix.

24 Q. Who is she?

25 A. She's our data policy manager for our 05:32:36

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1 developer platform. 05:32:38

2 Q. Looking at Exhibit 663, do you understand
3 it to be an email from people who work at Facebook
4 relating to their work at Facebook?

5 A. Yes. 05:32:53

6 Q. And looking at the lower email, do you
7 see where Grace emailed Ian, "We have an escalation
8 with Uber, who was creating a custom audience list
9 of UIDs that were obtained via our API, but not by
10 them. We're trying to determine where enforcement 05:33:10
11 should sit for things like this."

12 Do you see that?

13 A. Yes.

14 Q. Have you ever been aware that Uber had
15 created custom audience lists of UIDs, in or around 05:33:19
16 2013?

17 A. No, I was not aware.

18 Q. And Facebook does not maintain a list of
19 advertisers who had scraped user IDs, correct?

20 MR. BENJAMIN: Object, based on scope and 05:33:36
21 form.

22 THE DEPONENT: To be clear, my
23 understanding of this is not that Uber scraped
24 these IDs.

25 Q. (By Ms. Weaver) Okay. Do you have any 05:33:45

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1 personal knowledge of this particular issue? 05:33:47

2 A. I don't. Just from reading this
3 document, I --

4 Q. Okay. But this is the point. This
5 document suggests that Uber had a list of user IDs, 05:33:58
6 correct?

7 A. Correct, that they specify were obtained
8 through an API, but not by Uber.

9 Q. Okay. And they were obtained through
10 Facebook's API, right? 05:34:13

11 A. Through a platform API.

12 Q. That is -- that is Facebook's platform
13 API, correct?

14 A. Yes, that's what this states.

15 Q. Okay. And so Uber has a collection of 05:34:23
16 Facebook user IDs, according to this document,
17 right?

18 MR. BENJAMIN: Objection to form.

19 Foundation. And the same continuing objection

20 based on scope. 05:34:36

21 Q. (By Ms. Weaver) Was there any attempt by
22 Facebook to prevent Uber from conducting targeted
23 advertising because Facebook knows that Uber
24 possesses user IDs?

25 A. So, again, I'm -- I'm not familiar with 05:34:49

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1 this case. This is the first time I've seen it. 05:34:51

2 This email thread reads to me as that is exactly
3 what's being discussed.

4 Q. Right.

5 But it didn't happen, did it? 05:35:00

6 I mean, you're in advertising and you
7 testified that there is no list within the
8 advertising department of advertisers on Facebook
9 who possess the user IDs, right?

10 A. No. I specifically -- 05:35:16

11 MR. BENJAMIN: Objection. Objection.
12 Misstates testimony.

13 THE DEPONENT: I specifically noted,
14 first, that Uber was not scraping. That's --
15 that's specified here. And we -- there -- they 05:35:27

16 wouldn't -- this -- I -- I think that's the answer.

17 Uber was --

18 Q. (By Ms. Weaver) Uber wasn't talking
19 about scraping. I'll read the question back.

20 You testified that there is no list 05:35:39
21 within the advertising department of advertisers on
22 Facebook who possess user IDs, right?

23 MR. BENJAMIN: Same objection.

24 THE DEPONENT: Do you mind reading back

25 the testimony that you're referring to. 05:35:54

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1 Q. (By Ms. Weaver) I'll just ask you. 05:35:56

2 Within the advertising department, is
3 there a list of advertisers on Facebook that
4 Facebook knows has come into possession of user
5 IDs? 05:36:07

6 MR. BENJAMIN: Objection to form and
7 scope.

8 THE DEPONENT: I'm -- I'm -- I'm not sure
9 like -- a -- a list of advertisers that have access
10 to UID -- or have obtained UIDs is not a list that 05:36:47
11 I'm aware of within ads because I -- I -- I'm not
12 sure the connection there back to the fact that
13 they're an advertiser.

14 Q. (By Ms. Weaver) Does Facebook have any
15 way to prevent advertisers who Facebook knows 05:37:06
16 possesses -- possesses user IDs from advertising on
17 Facebook?

18 MR. BENJAMIN: Objection to form. Asked
19 and answered.

20 THE DEPONENT: The possession of an ad -- 05:37:24
21 the possession of UIDs by an advertiser is -- isn't
22 a factor in -- in -- I -- that's not an evaluation
23 in the creation of an ad. I'm not -- I'm not sure
24 the connection here.

25 Q. (By Ms. Weaver) Does Facebook take any 05:37:50

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1 steps to prevent companies that Facebook knows 05:37:53
2 possesses user IDs from targeting those users
3 through Facebook's advertising platform?

4 MR. BENJAMIN: Same -- same objections.

5 THE DEPONENT: I think this is an example 05:38:08
6 where, like in this email thread, they are
7 discussing the steps that need to be taken here.

8 I am not aware of what happened with Uber
9 that -- I'm not sure the resolution on -- in this
10 one. 05:38:24

11 Q. (By Ms. Weaver) And you, in the
12 advertising privacy policy team, have never seen a
13 list of advertisers who possess user IDs or used it
14 for the purposes of saying you may not advertise
15 because you will be sharing infor- -- you will be 05:38:34
16 able to personally target individual users; is that
17 true?

18 MR. BENJAMIN: Objection to form.

19 THE DEPONENT: I -- I don't know of any
20 other cases aside from the one that you've 05:38:55
21 presented currently.

22 Q. (By Ms. Weaver) Does Uber currently
23 advertise on Facebook?

24 MR. BENJAMIN: Objection.

25 THE DEPONENT: I don't know the full list 05:39:10

1 of advertisers who advertise on Facebook. I -- 05:39:11

2 I -- at some points Uber definitely did advertise
3 and in recent years.

4 Q. (By Ms. Weaver) Okay. Are you prepared
5 to testify about targeted advertisements that take 05:39:28
6 the form of videos?

7 A. Yes.

8 Q. How do targeted advertisements take the
9 form of videos?

10 A. When an advertisers sets up their ad -- 05:39:42
11 one second.

12 (Brief interruption.)

13 THE DEPONENT: When an advertiser sets up
14 their ad, they choose the -- the creative for their
15 ad. That includes choosing if it's going to be an 05:40:06
16 image or a video and the format. And then they
17 would upload the video that they want to use for
18 their ad.

19 Q. (By Ms. Weaver) And Facebook then takes
20 the video and provides that video to the users, is 05:40:22
21 that right, on its platform?

22 A. As in the case of all ads, it then enters
23 the auction. And if it wins the auction, we will
24 show that ad that has the video content in our
25 newsfeed to users. 05:40:41

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1 Q. So Facebook isn't creating the videos; is 05:40:43
2 that right?

3 A. The advertiser selects the video and
4 creates the video.

5 Q. And then Facebook's responsibility is to 05:40:51
6 take the video and provide it to the user; is that
7 right?

8 MR. BENJAMIN: Objection to form.

9 THE DEPONENT: We deliver the ad to
10 users, yes. 05:41:03

11 Q. (By Ms. Weaver) And the ad is in video
12 form, right?

13 MR. BENJAMIN: Objection to form.

14 THE DEPONENT: By video -- by video form,
15 we just mean it is an ad that has a video in it? 05:41:12

16 Q. (By Ms. Weaver) Yes.

17 A. Yes. Then we show a user that ad, which
18 involves showing them the video.

19 Q. And then does Facebook report back to the
20 advertiser information about whether or not those 05:41:32
21 videos were obtained or received?

22 MR. BENJAMIN: Objection to form.

23 THE DEPONENT: Do you mind clarifying
24 what you mean by obtained or received.

25 Q. (By Ms. Weaver) Do you understand what 05:41:48

1 the word "obtained" means? 05:41:48

2 A. I understood to -- I -- I understood it
3 to mean removing it from the platform, and I don't
4 think that's what you mean. So I want to be
5 sure -- 05:42:00

6 Q. Okay.

7 A. -- I'm following.

8 Q. Let's try this, what about receive?

9 Do you know what receive means?

10 A. Received by the users? 05:42:06

11 Q. Yes.

12 A. Yes. The users -- so, again, the ad
13 enters the ad auction. If it is delivered to a
14 user, the user will see it. That's what I'm
15 defining as received. They saw the ad. 05:42:18

16 Q. And then Facebook reports the view of
17 that video back to the advertisers; is that
18 correct?

19 A. We report the aggregated number of views
20 a video -- a video ad gets, correct. 05:42:31

21 Q. Okay. What is audience network?

22 A. Audience network was a -- effectively an
23 ad exchange owned by Facebook that would enable us
24 to place an ad on third-party sites and website --
25 third-party websites and apps. 05:42:52

1 Q. And Facebook was placing the ad on the 05:42:56
2 third-party websites, and was it then compensated
3 for placing the ad?

4 MR. BENJAMIN: Objection to form.

5 THE DEPONENT: As with all ads, the 05:43:15
6 advertiser pays for the ad. And that was also true
7 with audience network placements.

8 Q. (By Ms. Weaver) And in this case, the
9 advertiser is Facebook; is that right?

10 A. No. 05:43:26

11 MR. BENJAMIN: Objection to form.

12 Q. (By Ms. Weaver) Okay. Facebook is
13 placing the ad on behalf of an advertiser; is that
14 right?

15 MR. BENJAMIN: Objection to form. 05:43:38

16 THE DEPONENT: It's a similar concept as
17 placing an ad on Facebook, the advertiser creates
18 the ad and chooses the audience. Facebook dis- --
19 on -- on our platform, we display it here. We send
20 it to a publisher, so the website or app, and they 05:43:54
21 display the ad.

22 Q. (By Ms. Weaver) So is Facebook involved
23 in pulling together targeted interests or behaviors
24 for the creation of ads in audience network?

25 A. No. 05:44:16

1 MR. BENJAMIN: Objection to -- sorry, 05:44:17
2 Bella.
3 Objection to form. Compound. Vague.
4 THE DEPONENT: No. The creation of an ad
5 that goes on an audience network is the same as the 05:44:26
6 creation of an ad on Facebook. The advertiser
7 selects their desired audience through our
8 targeting options. The same ones that we covered.
9 The -- our role in the audience network
10 portion is in place -- is in -- in -- I think 05:44:43
11 "placing" is maybe confusing us -- is in that ad
12 going to a third-party website rather than on our
13 platform to be displayed to a user.
14 Q. (By Ms. Weaver) And then does Facebook
15 track performance measurements and report that back 05:45:01
16 to the advertiser?
17 MR. BENJAMIN: Objection to form.
18 THE DEPONENT: Similar to an ad that we
19 display on our own site, an advertiser would know
20 the aggregated performance metrics of that ad. 05:45:15
21 Q. (By Ms. Weaver) Are you aware of
22 performance measurements provided to Salesforce at
23 Oracle that were different than the kinds of
24 performance measurements provided ordinarily to --
25 to advertisers? 05:45:35

1 MR. BENJAMIN: Objection to form. 05:45:39

2 THE DEPONENT: In the -- can you clarify,
3 in the sense of like were Salesforce and Oracle
4 advertisers?

5 Q. (By Ms. Weaver) Yes. 05:45:49

6 A. And did we provide them with different
7 metrics?

8 Q. Yes.

9 A. No.

10 Q. Over time, with regard to the performance 05:46:22
11 metrics provided by Facebook to advertisers, what
12 are examples of metrics that are provided today
13 that were not provided in the past?

14 A. As an example -- I'm sorry, Matt. I keep
15 jumping. 05:46:45

16 When a new ad format is introduced, such
17 as video ads, were not a type of ad that we had
18 originally, we then also introduced the relevant
19 performance metric of like aggregate views of that
20 video, which wouldn't have existed prior to a video 05:47:03
21 ad.

22 Q. Can you think of any other examples that
23 were added over time with regard to performance
24 measurements or metrics provided to advertisers?

25 MR. BENJAMIN: Objection to form. 05:47:18

1 THE DEPONENT: Ad score is an example 05:47:20
2 that has been something we've added in over time.
3 Q. (By Ms. Weaver) When was ad score added?
4 A. I don't know the exact date. But from
5 2016 onwards, I believe. 05:47:33
6 Q. Any other examples you can think of?
7 A. I can't think of any other examples more
8 specifically on a timeline.
9 Q. What is conversion tracking?
10 A. Conversion tracking is a way to 05:47:57
11 understand who subsequently bought an ad or -- or
12 converted on -- the product.
13 Q. Does Facebook provide that information to
14 advertisers?
15 A. That works in conjunction with our 05:48:14
16 business tools.
17 Q. Okay. Does Facebook provide that
18 information to advertisers through their business
19 tools?
20 A. We -- so for an ad that's -- that's a 05:48:25
21 conversion ad, an advertiser sets up the Pixel and
22 they are able to understand the conversions from
23 that ad.
24 Q. And when you say "the advertiser sets up
25 the Pixel" do you mean to imply that's the 05:48:43

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1 advertiser that is tracking the conversion or is 05:48:47

2 it --

3 A. Yes.

4 Q. -- just as well through the Pixel?

5 MR. BENJAMIN: Objection to form. 05:48:56

6 THE DEPONENT: The advertiser sets up the
7 Pixel. Facebook also receives the information from
8 the Pixel.

9 Q. (By Ms. Weaver) And what specifically is
10 the information that the Pixel collects with regard 05:49:08
11 to conversion tracking?

12 A. Pixel collects two categories of
13 information. One is contact information, which is
14 a form of identifier and event. The event is
15 something the advertiser defines. In this case 05:49:25
16 it's a conversion. And they choose the information
17 to send back about that event.

18 Q. And for the record, can you define
19 conversion?

20 A. Conversion is -- is -- is the -- the end 05:49:41
21 of the marketing funnel. It's when someone buys
22 the product or service being advertised.

23 Q. Is it always a purchase or can it also be
24 just a desired action?

25 MR. BENJAMIN: Objection to form. 05:50:03

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1 THE DEPONENT: Desired action is 05:50:06
2 particularly broad because advertisers usually have
3 a desired action with any ad they're placing.
4 So -- so in the sense of you create an ad with a
5 like page objective to try and get people to like 05:50:16
6 your page.
7 So conversions are -- are most closely to
8 take a very specific -- like buying or -- or -- or
9 it is the -- the -- the end of the funnel that
10 someone has completed, the marketing funnel. 05:50:36
11 Q. (By Ms. Weaver) Could we say a
12 conversion marks completion of a business
13 objective?
14 MR. BENJAMIN: Objection to form.
15 THE DEPONENT: The -- I don't think 05:50:46
16 that's inaccurate. I don't know that that's
17 exactly how we would describe it. But that --
18 that -- I'm fine with that description.
19 Q. (By Ms. Weaver) Okay. Are you familiar
20 with something called an ad console? 05:51:05
21 A. No, not -- not immediately.
22 Do you mind walking me through what your
23 reference is.
24 Q. Yeah.
25 Is there something internally that the 05:51:24

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1 advertising team sees about ad campaigns that is 05:51:27
2 not provided to the advertiser?
3 MR. BENJAMIN: Objection to form and
4 scope.
5 THE DEPONENT: An advertising team being 05:51:43
6 like the sales team associated with an advertiser
7 or...
8 Q. (By Ms. Weaver) Yes.
9 A. I -- there are internal tools that our
10 sales team uses. I do not -- I -- I don't know if 05:52:01
11 that's specifically ad console that -- that is
12 what -- if that's what it's named.
13 Q. Okay. What is an ECTR?
14 A. The estimated click-through rate.
15 Q. And how is that calculated? 05:52:23
16 A. The ECTR is part of the machine learning,
17 the estimated action rate that's a similar concept.
18 So it's the likelihood -- I'm sorry. One moment.
19 I -- I want to be sure I'm also not confusing
20 acronyms here. 05:52:49
21 MS. WEAVER: No problem.
22 THE DEPONENT: I -- I -- I apologize. I
23 don't want to misstate on the definition of -- or
24 how we create the estimated click-through rate.
25 Q. (By Ms. Weaver) Who would know? 05:53:12

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1 A. Our ad measurement team would know. 05:53:16
2 Q. Who's in the ad measurement team?
3 A. An example is Toby Roessingh.
4 Q. R-O-S-I-N-G?
5 A. It's in -- his last name -- one second. 05:53:33
6 I can spell this.
7 R-O-E-S-S-I-N-G-H.
8 Q. Is he the lead on the ad measurement
9 team?
10 MR. BENJAMIN: Objection to form and 05:54:04
11 scope.
12 THE DEPONENT: I'm not sure his exact
13 position, but he is on ads measurement.
14 Q. (By Ms. Weaver) Anyone else you can
15 think of? 05:54:16
16 MR. BENJAMIN: Same objections.
17 THE DEPONENT: No, he's -- he's a point
18 of contact that I use for the ads measurement team.
19 Q. (By Ms. Weaver) Okay. What is CPC?
20 A. Cost per click. 05:54:35
21 Q. And what is CPM?
22 A. CPM stands for cost per meal, which is
23 cost per 1,000 impressions.
24 Q. And does Facebook provide to advertiser,
25 following a campaign, the metrics that include 05:54:54

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1 clicks, impressions, CPM, CPC and CTR? 05:54:58

2 A. Do you mean for -- those are -- those are
3 aggregated metrics that we provide to advertisers.

4 Q. Does Facebook also provide revenue
5 information? 05:55:15

6 A. Revenue is -- or like related to us. We
7 provide the advertiser with their ad spend. How
8 much they spent on that ad.

9 Q. And then does Facebook provide something
10 called value to advertisers? 05:55:31

11 A. We do provide a metric called value.

12 Q. And what is value?

13 A. How we calculate value is something that
14 I -- I'm afraid I will misrepresent.

15 Q. But Facebook does calculate value, right? 05:56:01

16 A. We -- so --

17 MR. BENJAMIN: Objection -- objection to
18 form.

19 THE DEPONENT: We provide a metric
20 called -- or part of performance is -- is a metric 05:56:14
21 called value.

22 Q. (By Ms. Weaver) And it's the value of
23 what?

24 A. I'm not certain. And I don't want to
25 misrepresent what it stands for. 05:56:25

1 Q. Who would know? 05:56:27

2 A. Again, Toby.

3 Q. What is ego value?

4 (Court Reporter asks for clarification.)

5 MS. WEAVER: Ego value. E-G-O V-A-L-U-E. 05:56:30

6 THE DEPONENT: I'm not certain. I --

7 I -- I -- I'm not familiar with that just -- yeah.

8 Q. (By Ms. Weaver) Does Facebook provide

9 real-time ads metrics to advertisers?

10 MR. BENJAMIN: Objection to form. 05:57:05

11 THE DEPONENT: Can you clarify, for

12 real-time, do you mean as soon as an action happens

13 on an ad?

14 Q. (By Ms. Weaver) I mean, I -- I don't

15 know. I don't work at Facebook. 05:57:16

16 But what does real-time mean at Facebook?

17 MR. BENJAMIN: Objection to form.

18 THE DEPONENT: We -- so we provide -- as

19 an ad begins to run, we provide the aggregated

20 metrics -- performance metrics. Those aren't like 05:57:34

21 a minute-by-minute updated. So it's -- that's what

22 we mean by real-time is it's not how those metrics

23 are shared with advertisers.

24 Q. (By Ms. Weaver) How about a five-minute

25 level granularity, is that shared with advertisers? 05:57:49

1 A. I don't know the exact refresh rate of 05:58:03

2 those aggregated metrics.

3 Q. [REDACTED]

4 [REDACTED]

5 [REDACTED] 05:58:16

6 MR. BENJAMIN: Objection to form.

7 [REDACTED]

8 [REDACTED].

9 Q. (By Ms. Weaver) [REDACTED]

10 [REDACTED] 05:58:29

11 A. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 A. So to clarify -- 05:59:14

21 MR. BENJAMIN: Objection -- objection to

22 form and scope as phrased.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] 05:59:31

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05:59:46

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Q. (By Ms. Weaver) Okay. What are QRT
experiments?

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A. Those aren't specific to -- to ads. A
QRT is to effectively understand the change when we
launch something. So if we see -- as an example, 06:00:06
we might -- as I'm -- a probably silly example.

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In ads manager, if we switched the order
of something, we might run a QRT where some
advertisers are in one group and other advertisers
are in another group to understand if there is a 06:00:29
difference between the -- the groups and the new
UIs. So to understand if there's an impact to how
they engage with our tools.

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Q. And what does QRT stand for, do you know?
A. I don't know. 06:00:48
MR. BENJAMIN: Objection -- objection to
form and scope.
THE DEPONENT: This is probably a -- a
problem at Facebook where we use acronyms without
ever learning the -- the full wording. 06:00:56

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1 I'm not sure -- I'm not sure what the 06:00:57
2 full name is or what it stands for.

3 Q. (By Ms. Weaver) So do QRT experiments
4 generates ad-specific metrics that are useful to
5 Facebook in figuring out how best to target users? 06:01:11

6 MR. BENJAMIN: Objection to form.

7 THE DEPONENT: No. A QRT is about
8 creating like a production environment that we can
9 understand if it's different from different
10 production environment. It's not a method to 06:01:36
11 target users for ads. That is still established by
12 our targeting tools that advertisers choose.

13 Q. (By Ms. Weaver) What's a production
14 environment?

15 MR. BENJAMIN: Objection. 06:02:00

16 Is anyone else hearing an echo?

17 THE COURT REPORTER: Yes.

18 THE DEPONENT: No.

19 MS. WEAVER: I'm having an echo, too.

20 THE COURT REPORTER: It's been happening 06:02:08
21 for a while.

22 MR. BENJAMIN: Do you want to go off the
23 record?

24 THE COURT REPORTER: Sure.

25 MS. WEAVER: I mean, I'd rather continue 06:02:16

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1 with the dep. 06:02:17

2 How much time do we have left?

3 THE VIDEOGRAPHER: About 18 minutes.

4 (Court Reporter initiates discussion off

5 the stenographic record.) 06:03:10

6 Q. (By Ms. Weaver) Okay. Back to, what is

7 a production environment?

8 A. That was my way of explaining that

9 we're -- we've created two versions of a UI for

10 users who -- or -- or in this -- in the example I 06:03:41

11 gave, advertisers to interact with.

12 It's just a -- a live part of our site.

13 I'm not sure if that's like a technical term that

14 would be used. But that's what I was describing.

15 Q. Are you familiar with something called 06:03:55

16 deltoid?

17 MR. BENJAMIN: Objection to form.

18 THE DEPONENT: Not super specific to ad

19 targeting or ad ranking. Deltoid, from my

20 understanding, is how we help measure when a QRT is 06:04:13

21 running the differences in metrics from that --

22 effectively those two environments, the two

23 versions that we -- we have running.

24 Q. (By Ms. Weaver) And what do you mean by

25 the "differences in metrics"? 06:04:29

1 A. So going back to the example if -- that I 06:04:34
2 was using of advertisers maybe we switched the UI
3 in one version to understand if it's an easier UI
4 for them to use. I mean, one thing would be like
5 ad creation. Do we see similar rates of ad 06:04:47
6 creation when we make that change.

7 Q. Got it.

8 So does Facebook provide to third parties
9 ad market daily metrics?

10 MR. BENJAMIN: Objection to form -- 06:05:11

11 Q. (By Ms. Weaver) Is that something that
12 Facebook maintains internally.

13 MS. WEAVER: Sorry about that, Matt.

14 MR. BENJAMIN: Excuse me, Ms. Weaver.

15 Apologize. 06:05:17

16 Objection to form and scope.

17 THE DEPONENT: I'm sorry. I missed the
18 very beginning of your question.

19 Q. (By Ms. Weaver) Does Facebook provide to
20 third parties ad market daily metrics? 06:05:30

21 MR. BENJAMIN: Same objections.

22 THE DEPONENT: No. My understanding is
23 that that's an internal table of ad performance and
24 metrics.

25 Q. (By Ms. Weaver) And does Facebook 06:05:51

1 maintain per impression logging with revenue 06:05:52

2 information for ads?

3 MR. BENJAMIN: Objection to scope.

4 THE DEPONENT: We -- [REDACTED] we maintain

5 something called ads impressions annotated, which 06:06:08

6 is an impression login table. To be clear, I don't

7 think it's revenue-based. Revenue, again, is more

8 specific to us rather than ad spend from the

9 advertiser.

10 Q. (By Ms. Weaver) And does Facebook share 06:06:24

11 data from the ads impressions annotated with third

12 parties?

13 MR. BENJAMIN: Objection to form and

14 scope as phrased.

15 THE DEPONENT: No. We share the 06:06:40

16 aggregated impression information in like our --

17 our ads manager performance metrics, not the table.

18 Q. (By Ms. Weaver) And where is that

19 aggregated impression information maintained at

20 Facebook? 06:06:57

21 MR. BENJAMIN: Objection to form and

22 scope.

23 THE DEPONENT: It -- it is read from our

24 data basis. It's read from the tables, but

25 aggregated for -- to display to -- in our UI. 06:07:10

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1 Q. (By Ms. Weaver) I'm sorry. 06:07:16

2 A. No, no.

3 Q. When you say "read from our databases,"
4 which databases do you mean specifically?

5 A. The -- the back end here, I -- I -- 06:07:31

6 were -- this isn't specific to ads. I'm not -- I'm
7 not sure if like our ads reporting UI reads it from
8 Hive specifically, in which case it would be the
9 ads impressions annotated or [REDACTED]

10 [REDACTED] which is where like the production site 06:07:59
11 is run from.

12 Q. Is there data contained [REDACTED] which is
13 shared with third parties?

14 MR. BENJAMIN: Objection to form and
15 scope. 06:08:25

16 THE DEPONENT: Can you -- do you mind --
17 clar- -- clarifying. Do you mean such as like the
18 tables [REDACTED]

19 Q. (By Ms. Weaver) Yes.

20 MR. BENJAMIN: Same objection. 06:08:34

21 THE DEPONENT: So within the context of
22 ads, we don't share the tables [REDACTED] with third
23 parties.

24 Q. (By Ms. Weaver) But do you share
25 information contained in the tables [REDACTED] 06:08:44

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1 some -- some portion of it with advertisers? 06:08:48

2 MR. BENJAMIN: Objection to form. Asked
3 and answered.

4 THE DEPONENT: Our ad reporting metrics,
5 the ones we've discussed, the aggregated ones, such 06:09:01

6 as in ads manager, I'm not certain if those come
7 from Hive, if that's an aggregation that's there.
8 But that would be an example of where conceptually
9 that might happen.

10 But, again, it's about -- it's backing 06:09:16
11 the aggregated metrics that we provide to an
12 advertiser.

13 Q. (By Ms. Weaver) What's the difference
14 between a raw and a legal impression?

15 MR. BENJAMIN: Objection to form and 06:09:30
16 scope.

17 THE DEPONENT: A legal impression is an
18 impression that we -- that is charged to the
19 advertiser. A -- a raw impression is not always a
20 legal impression. 06:09:48

21 Q. (By Ms. Weaver) How does Facebook decide
22 what is a legal impression?

23 MR. BENJAMIN: Objection to form and
24 scope.

25 THE DEPONENT: This -- this is within ads 06:09:58

1 measurement. An example from -- from my knowledge 06:10:00
2 is if we -- if we show an ad multiple -- or if an
3 ad -- I'm trying to explain how -- how -- how I
4 remember this.

5 If -- if -- an example of a raw 06:10:28
6 impression is that does -- is not a legal
7 impression, because legal impressions are a subset
8 of those, would be if an ad is shown to a user
9 potentially repeatedly, and it was not -- it wasn't
10 supposed to be. So it's -- if an indication of 06:10:46
11 potentially like a mis-delivery on our side and so
12 we don't charge the advertiser for it.

13 Beyond that, I don't know all the cases.
14 That would be something that our ads measurement
15 would cover. 06:10:59

16 Q. (By Ms. Weaver) Are you aware of a table
17 that logs per user daily key revenue metrics with
18 ads revenue?

19 MR. BENJAMIN: Objection to form and
20 scope. 06:11:12

21 THE DEPONENT: No.

22 Q. (By Ms. Weaver) So are you familiar with
23 a log called [REDACTED]

[REDACTED]

25 MR. BENJAMIN: Same objections. 06:11:26

1 THE DEPONENT: I'm -- I'm not familiar 06:11:31
2 with all of the data in that table or if it
3 reflects revenue per user. That's not something we
4 calculate.

5 Q. (By Ms. Weaver) Do you know if -- are 06:11:49
6 you familiar with a log

7 [REDACTED]
[REDACTED]
[REDACTED]

10 MR. BENJAMIN: Objection to form. And 06:12:04
11 foundation and scope.

12 THE DEPONENT: I don't know the details
13 of the columns of that [REDACTED]

14 Q. (By Ms. Weaver) Is there a person whose
15 responsibility is to track revenue tied on a user 06:12:15
16 basis?

17 A. No. We don't track revenue on a user
18 basis.

19 Q. And when you say "we don't," you mean
20 currently Facebook doesn't do that? 06:12:39

21 MR. BENJAMIN: Objection to form and
22 scope on this line.

23 THE DEPONENT: We don't track per user
24 how much -- the revenue we've gained from that user
25 is what I mean. 06:13:00

1 Q. (By Ms. Weaver) Okay. With regard to 06:13:02
2 conversions, are you familiar with something called
3 an RSVP?

4 MR. BENJAMIN: Objection to scope.

5 THE DEPONENT: No. I might need some -- 06:13:14
6 some narrowing or clarification.

7 MS. WEAVER: Sadly, I don't have any.

8 Okay. I think we can go off the record
9 quickly.

10 How much time do we have left? 06:13:36

11 THE VIDEOGRAPHER: It's let's see -- off
12 the record, we have about seven or eight minutes
13 left.

14 MS. WEAVER: Great. Thank you.

15 THE VIDEOGRAPHER: Okay. And we're off 06:13:52
16 the record. It's 6:13 p.m.

17 (Recess taken.)

18 THE VIDEOGRAPHER: We're back on record.
19 It's 6:28 p.m.

20 Q. (By Ms. Weaver) Ms. Leone, just a -- or 06:28:11
21 Leone -- just a few more questions.

22 You testified that CPC is a metric that
23 refers to cost per click.

24 Do you recall that?

25 A. Yes. 06:28:21

1 Q. Can it also -- 06:28:23

2 MS. WEAVER: You know, it sounds like
3 this echo is me. Let me try --

4 Q. (By Ms. Weaver) Can it also refer to a
5 type of -- that advertisers can -- where they pay 06:28:32
6 each time a user clicks on the ad?

7 A. I'm sorry. That came in and out
8 continuously.

9 MS. WEAVER: Hello. I just went back to
10 the other mic. 06:28:46

11 Q. (By Ms. Weaver) Okay. Can CPC also
12 refer to a type of bidding that advertisers can
13 choose where they pay each time a user clicks on
14 the ad?

15 A. It is -- is a bidding strategy that they 06:28:58
16 can select when they set up their ad.

17 Q. And is reach the number of users who
18 receive an ad?

19 A. Reach is the number of accounts that --
20 that -- that see an ad, yes. I -- I think that 06:29:16
21 we're saying the same thing.

22 Q. And unique accounts?

23 A. Unique accounts.

24 Q. What is frequency?

25 A. Together reach and frequency are a type 06:29:30

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1 of -- of a mechanism of brand awareness where we 06:29:40
2 will try to -- to -- to optimize the ad to reach a
3 large number of people or reach many people and
4 multiple times with an ad so they familiarize
5 themselves with that brand. 06:29:52

6 Q. So is reach frequency the number of times
7 a user is exposed to an ad?

8 A. Yes.

9 Q. And is average frequency calculated by
10 dividing impressions by reach? 06:30:06

11 A. I believe so. But I -- I would
12 potentially need to -- to confirm.

13 MS. WEAVER: Okay. That's it. I have no
14 further questions at this time. And reserve all
15 rights and we'll keep it open on behalf of 06:30:28
16 plaintiffs.

17 MR. BENJAMIN: Okay. Thank you,
18 Counsel Weaver.

19 On behalf of Facebook, it sounds like
20 plaintiffs have had the opportunity to ask the 06:30:35
21 questions they wanted to today. We just reserve
22 all rights.

23 We designate the transcript
24 "Confidential" pursuant to the protective order
25 pending the final confidentiality designation. 06:30:44

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1 MS. WEAVER: Great. Thank you. 06:30:47

2 We can go off the record.

3 THE VIDEOGRAPHER: Off the record or --

4 I'm -- I'm sorry. I didn't -- I didn't hear it.

5 Okay. So -- 06:30:55

6 MS. WEAVER: Go off the record. Sorry.

7 THE VIDEOGRAPHER: Go off the record.

8 Okay. Thank you.

9 We're off the record. It's 6:31 p.m.

10 (TIME NOTED: 6:31 p.m.) 06:31:04

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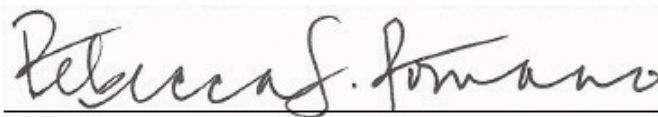
1 I, Rebecca L. Romano, a Registered
2 Professional Reporter, Certified Shorthand
3 Reporter, Certified Court Reporter, do hereby
4 certify:

5 That the foregoing proceedings were taken
6 before me remotely at the time and place herein set
7 forth; that any deponents in the foregoing
8 proceedings, prior to testifying, were administered
9 an oath; that a record of the proceedings was made
10 by me using machine shorthand which was thereafter
11 transcribed under my direction; that the foregoing
12 transcript is true record of the testimony given.

13 Further, that if the foregoing pertains to the
14 original transcript of a deposition in a Federal
15 Case, before completion of the proceedings, review
16 of the transcript [x] was [] was not requested.

17 I further certify I am neither financially
18 interested in the action nor a relative or employee
19 of any attorney or any party to this action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name this 10th day of August, 2022.

22
23 

24 Rebecca L. Romano, RPR, CCR

25 CSR No. 12546

1 MATT BENJAMIN

2 mbenjamin@gibsondunn.com

3 August 10, 2022

4 RE: Facebook, Inc. Consumer Privacy User Profile Litigation

5 AUGUST 5, 2022, ISABELLA LEONE, JOB NO. 5345580

6 The above-referenced transcript has been

7 completed by Veritext Legal Solutions and

8 review of the transcript is being handled as follows:

9 ___ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext
10 to schedule a time to review the original transcript at
11 a Veritext office.

12 ___ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF
13 Transcript - The witness should review the transcript and
14 make any necessary corrections on the errata pages included
15 below, notating the page and line number of the corrections.
16 The witness should then sign and date the errata and penalty
17 of perjury pages and return the completed pages to all
18 appearing counsel within the period of time determined at
19 the deposition or provided by the Code of Civil Procedure.

20 ___ Waiving the CA Code of Civil Procedure per Stipulation of
21 Counsel - Original transcript to be released for signature
22 as determined at the deposition.

23 ___ Signature Waived - Reading & Signature was waived at the
24 time of the deposition.

25

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xx Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF

Transcript - The witness should review the transcript and make any necessary corrections on the errata pages included below, notating the page and line number of the corrections. The witness should then sign and date the errata and penalty of perjury pages and return the completed pages to all appearing counsel within the period of time determined at the deposition or provided by the Federal Rules.

___ Federal R&S Not Requested - Reading & Signature was not requested before the completion of the deposition.

1 I, ISABELLA LEONE, do hereby declare under
2 penalty of perjury that I have read the foregoing
3 transcript; that I have made any corrections as
4 appear notes; that my testimony as contained
5 herein, as corrected, is true and correct.

6 Executed this ____ day of _____,
7 2022, at _____, _____.

8
9
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11
12 _____
13 ISABELLA LEONE
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RE: Facebook, Inc. Consumer Privacy User Profile Litigation
ISABELLA LEONE (JOB NO. 5345580)

E R R A T A S H E E T

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ISABELLA LEONE

Date

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[yeah - zoom]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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